

THE
UNITED PROVINCES CODE.

VOLUME III.

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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT

THE
UNITED PROVINCES CODE.

IN THREE VOLUMES:

CONTAINING

THE REGULATIONS AND ACTS IN FORCE IN THE UNITED
PROVINCES OF AGRA AND OUDH:

WITH

A CHRONOLOGICAL TABLE, AN APPENDIX AND AN INDEX.

FIFTH EDITION.

VOLUME III :

Acts of the Local Council from 1917--1920, an Appendix containing lists
of enactments in force in the Scheduled Districts and an Index.

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THE UNITED PROVINCES CODE.

VOLUME III.

PART III.

ACTS OF THE LIEUTENANT-GOVERNOR OF THE UNITED PROVINCES OF AGRA AND OUDH IN COUNCIL.

THE UNITED PROVINCES PUBLIC GAMBLING (AMENDMENT) ACT, 1917.

UNITED PROVINCES ACT No. 1 of 1917.¹

[APPLIES TO THE UNITED PROVINCES.]

[29th November, 1916; 20th December, 1916.]

An Act further to amend the law in force in the United
Provinces relating to public gambling.

WHEREAS it is expedient further to amend the law in force in the
United Provinces relating to public gambling;

5 & 6 Gen. 5,
c. 61.

And whereas the sanction of the Governor General has been obtain-
ed under section 79 (2) of the Government of India Act, 1915, to the
passing of this Act;

It is hereby enacted as follows:—

1. (1) This Act may be called the United Provinces Public Gambling Short title.
(Amendment) Act, 1917.

(2) It extends to all the territories for the time being administered
by the Lieutenant-Governor of the United Provinces.

2. For the definition of "common gaming-house," in section 1 Amendment
of the Public Gambling Act, 1867, the following shall be substituted, of section 1
namely: of Act III of
1867.

[Vol. I of this Code, p. 98.]

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1916, Pt. VII,
p. 87; for Report of Select Committee, see *ibid*, 1916, Pt. VII, p. 829; and for Pro-
ceedings in Council, see *ibid*, 1916, Pt. VII, pp. 428, 703 and 838.

Amendment of sections 3, 4, 5, 6 and 10 of Act III of 1867. 3. For the words "house, walled enclosure, room or place" in sections 3, 4, 5, 6, and 10 of the Public Gambling Act, 1867, wherever they occur, the words "house, room, tent, walled enclosure, space, vehicle, vessel or place" shall be substituted.

Repeal of section 12 of Act III of 1867. 4. Section 12 of the Public Gambling Act, 1867, is hereby repealed.

Amendment of section 13 of Act III of 1867. 5. For the words "playing for money or other valuable thing with cards, dice, counters or other instruments of gaming, used in playing any game not being a game of mere skill," in section 13 of the Public Gambling Act, 1867, the word "gaming" shall be substituted.

Insertion of new section 13A in Act III of 1867. 6. After section 13 of the Public Gambling Act, 1867, the following section shall be inserted, namely:—

[Vol. I of this Code, p. 102.]

UNITED PROVINCES ACT No. II of 1917.¹

[APPLIES TO OUDH.]

[21st February, 1917: 16th April, 1917.]

An Act further to amend the Oudh Courts Act, 1891.

WHEREAS it is expedient further to amend the Oudh Courts Act, XIV of 1891:

And whereas the sanction of the Governor General in Council has been obtained under section 79 (2) of the Government of India Act, 1915, to the passing of this Act; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Oudh Courts (Amendment) Act, 1917.

Amendment of section 4 of Act XIV of 1891. 2. For section 4 of the Oudh Courts Act, 1891, the following shall be substituted:—

[Vol. 1 of this Code, p. 343]

Amendment of section 5 of Act XIV of 1891. 3. (1) In sub-section (2) of section 5 of the said Act for the words "the other Additional Judicial Commissioner" the words "another Additional Judicial Commissioner" shall be substituted.

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1916, Pt. VII, p. 832; and for Proceedings in Council, see *ibid*, 1916, Pt. VII, p. 887, and *ibid*, 1917, pp. 74 and 94.

(2) In sub-section (3) of section 5 of the said Act the words "or more" shall be inserted between the word "three" and the word "judges."

THE UNITED PROVINCES MEDICAL ACT, 1917.

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Persons who are entitled to have their names entered in the Register of Medical Practitioners.

UNITED PROVINCES ACT No. III OF 1917.¹

[APPLIES TO THE UNITED PROVINCES.]

[21st May, 1917; 19th July, 1917.]

An Act to provide for the Registration of certain Medical Practitioners in the United Provinces.

Preamble.

WHEREAS it is expedient to provide for the registration of certain medical practitioners in the United Provinces: It is hereby enacted as follows:—

Preliminary.

Short title,
extent, and
commence-
ment.

1. (1) This Act may be called the United Provinces Medical Act, 1917.

(2) It extends to the territories for the time being administered by the Lieutenant-Governor of the United Provinces.

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1916, Pt. VII, p. 28; for Report of Select Committee, see *ibid*, 1916, Pt. VII, p. 69; and for Proceedings in Council, see *ibid*, 1916, Pt. VII, pp. 52, 709, and *ibid*, 1917, p. 581.

3. Sections¹ 30 and 32 shall not come into force until a date to be appointed in this behalf by the Local Government by notification in the Gazette.

2. In this Act—

Definitions,
21 & 22 Vic'
c. 90.

- (a) the expression "the Medical Acts" means the Medical Act, 1858, and the Acts amending the same;
- (b) the expression "the Council" means the Council established under section 3; and
- (c) the expression "registered practitioner" means a person registered under the provisions of this Act.

The United Provinces Medical Council.

3. A Council shall be established and called "the United Provinces Medical Council;" and such Council shall be a body corporate and have perpetual succession and a common seal and shall by the said name sue and be sued.

Establishment of the
United Provinces Medical Council.

4. (1) The said Council shall consist of thirteen members appointed in the following manner, namely:—

Constitution of Council.

- (a) a president to be nominated by the Local Government;
- (b) five members to be nominated by the Local Government;
- (c) one member to be elected by the Syndicate of the University of Allahabad;
- (d) one member to be elected by medical practitioners who—
 - (i) are registered under the Medical Acts, or are doctors, bachelors or licentiates of medicine, or masters of obstetrics, or masters, bachelors or licentiates of surgery of the Universities of Calcutta, Bombay, Madras or Lahore,
 - (ii) are residing in the United Provinces and registered under this Act or, in the case of the first election, qualified to be so registered, and
 - (iii) are in the service of Government;
- (e) two members to be elected by medical practitioners who are not in the service of Government but are otherwise qualified in the manner prescribed in clause (d);
- (f) one member to be elected by medical practitioners who, not being qualified in the manner prescribed in sub-clause (i) of clause (d),—
 - (i) are residing in the United Provinces, and registered under this Act or, in the case of the first election, qualified to be so registered, and
 - (ii) are in the service of Government;

¹ Section 30 was brought into force from the 1st January, 1919, see United Provinces Gazette, 1919, Pt. I, p. 289.

- (g) one member to be elected by medical practitioners who are not in the service of Government but are otherwise qualified in the manner prescribed in clause (f);
- (h) one member to be elected by the medical graduates of the University of Allahabad.

(2) Provided that upon the expiry of five years from the commencement of this Act, two members instead of one shall be elected by the medical graduates of the Allahabad University and thereafter the said Council shall consist of fourteen members instead of thirteen

Nomination
of members
in default of
election.

5. If any electoral body referred to in section 4 does not, in the case of a vacancy referred to in section 10, within three months and, in any other case, by such date as may be prescribed by rule made in that behalf under section 34 (2) (a), elect a person to be a member of the Council, the Local Government shall nominate a member in his place, and a person so nominated shall be deemed to be a member as if he had been duly elected by such body.

Disqualifica-
tions for
membership.

6. (1) A person shall be disqualified for being elected or nominated a member of the Council if he—

- (a) is not registered under this Act;
- (b) has been sentenced by a Criminal Court to imprisonment for an offence punishable with imprisonment for a term exceeding six months or to transportation, such sentence not having subsequently been reversed or remitted, and such person's disqualification on account of such sentence not having been remitted by an order which the Local Government is hereby empowered to make, if it thinks fit, in this behalf;
- (c) is an undischarged insolvent; or
- (d) has been adjudged by a competent Court to be of unsound mind.

(2) Provided that, in the case of first elections held and first nominations made under this Act, clause (a) of sub-section (1) shall be read as if it were "is not qualified to be registered under this Act."

Publication
of names of
members.

7. The name of every person elected or nominated a member of the Council shall be published by the Local Government in the Gazette.

Leave of
absence to
members.

8. The Council may permit a member to absent himself from meetings of the Council for a period not exceeding six months.

Occurrence
of casual
vacancies.

9. (1) A member of the Council shall be deemed to have vacated his seat who—

- (a) fails to accept office within one month of the date of his nomination or election, or

(b) is absent without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council,
or

(c) is absent out of India for a period exceeding six consecutive months, or

(d) becomes subject to any of the disabilities set forth in section 6.

(2) On the occurrence of a vacancy referred to in sub-section (1), the president shall forthwith report the fact of such vacancy to the Local Government.

10. If a member of the Council dies or resigns his membership, or ceases to be a member as provided in section 9 (1), the vacancy shall be filled within three months by a fresh election or nomination as the case may be. Filling of casual vacancies.

11. (1) The term of office of a member of the Council shall be three years from the date of his acceptance of office. Term of office of members

(2) A person ceasing to be a member by reason of the expiration of his term of office shall, if not disqualified for any of the reasons mentioned in section 6, be eligible for re-election or re-nomination.

12. (1) No business shall be transacted at a meeting of the Council unless a quorum of six members be present. Quorum and voting.

(2) Save as otherwise provided in section 26 (1) (b), all questions arising at a meeting shall be decided by the votes of the majority of the members present and voting, or, in the case of an equality of votes, by the casting vote of the president, or, in his absence, of the member presiding at the meeting.

(3) No act or proceeding of the Council shall be deemed invalid merely by reason of a vacancy in the Council or of a defect in the election or nomination of a person acting as a member of the Council.

13. (1) Subject to the provisions of this Act and of any rules made by the Local Government under this Act, the Council may make regulations in respect of— Regulations as to meetings.

(a) the times and places at which the meetings shall be held;

(b) the issue of notices convening such meetings; and

(c) the conduct of business thereat.

(2) Until such time as the regulations referred to in sub-section (1) have come into operation, it shall be lawful for the president to summon a meeting at such time and place as to him shall seem expedient, by letter addressed to each member.

14. There shall be paid to the members of the Council such expenses as may from time to time be prescribed by regulation under section 34 (3) (a). Payment of expenses to members.

Appointment
of registrar
and other
officers.

15. (1) With the previous sanction of the Local Government, the Council—

- (a) shall appoint a Registrar;
- (b) may grant leave to such Registrar and appoint a person to act in his place; and
- (c) shall pay to the Registrar and to the person (if any) appointed to act in his place such salary and such allowances (if any) as the Council may determine.

(2) The Council may appoint such other officers and such clerks and servants as it may consider necessary for the purposes of this Act, and shall pay them such salary and such allowances (if any) as the Council may determine.

(3) The Registrar shall act as secretary to the Council.

(4) Every person appointed under sub-sections (1) and (2) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

The Register of Medical Practitioners.

Orders by
Council for
maintenance
of register.

16. (1) The Council shall, as soon as conveniently may be after the commencement of this Act, and from time to time as occasion may require, make orders for regulating the maintenance of a register of medical practitioners.

(2) The said register shall be kept in such form as may be prescribed by rule made under section 34 (2) (b).

Registrar's
functions in
respect of
register.

17. (1) The Registrar shall keep the register of medical practitioners in accordance with the provisions of this Act and of any orders made by the Council, and shall from time to time make all necessary alterations in the registered addresses or appointments, and the registered qualifications or titles, of the practitioners entered therein and erase the names of any practitioners who have died or have permanently ceased to practise in India.

(2) To enable the Registrar to fulfil the duties imposed upon him by sub-section (1), he may send through the post a letter to any registered practitioner, addressed to him according to his registered address or appointment, to inquire whether he has ceased to practise or whether his residence or appointment has been changed; and, if no answer to any such letter is received within a period of six months from its despatch, the Registrar may erase the name of such registered practitioner from the register:

Provided that any name erased under this sub-section may be re-entered in the register under the direction of the Council.

18. (1) Every person referred to in the Schedule shall, subject to the provisions hereinafter contained, and on payment of such fees as may be prescribed in this behalf by regulations made under section 34 (3) (b), be entitled to have his name entered in the register of medical practitioners.

Persons
entitled to be
registered.

(2) Provided that the Registrar shall refer to the Council any application for entry in the register from a person in respect of whom he considers that the Council may wish to proceed under section 26 (1).

(3) Provided also that the Registrar, if so directed by the Council, shall refuse to register the name of any person who holds a medical degree, diploma, or certificate granted in any foreign country or British colony which does not recognize the medical degrees, diplomas or certificates of the Universities or Local Governments of British India.

19. If the Council is satisfied—

Amendment
of Schedule.

- (a) that a title granted or qualification certified by a University, Medical Corporation, examining body or other institution is a sufficient guarantee that persons holding such title or qualification possess the knowledge and skill requisite for efficient practice of medicine, surgery and midwifery, or
- (b) that a title or qualification referred to in article 3 of the Schedule is not a sufficient guarantee as aforesaid,

it may make a report to that effect to the Local Government, which may, if it thinks fit, thereupon direct, by notification in the Gazette,—

- (1) in case (a), that the possession of such title or qualification shall, subject to the provisions hereinafter contained, and on payment of such fee as may be prescribed in this behalf by regulation made under section 34 (3) (b), entitle a person to have his name entered in the register of medical practitioners, or
- (2) in case (b), that the possession of such title or qualification shall not entitle a person to have his name entered in the said register;

and the Schedule shall thereupon be deemed to be altered accordingly.

20. The Council shall have power to call on the governing body or authorities of a medical college or school, other than a college or school affiliated to the University of Allahabad, Lahore, Calcutta, Bombay, or Madras, included in or desirous of being included in the Schedule -

Power of
Council to
call for infor-
mation from
medical
college or
school.

- (a) to furnish such reports, returns, or other information as the Council may require to enable it to judge of the efficiency of the instruction given therein in medicine, surgery, and midwifery; and

- (b) to provide facilities to enable a member of the Council deputed by the Council in this behalf to be present at the examinations held by such college or school.

Information
required of
applicant for
registration.

21. Every person who applies to have his name entered in the register of medical practitioners—

- (a) must satisfy the Registrar that he is possessed of some title or qualification referred to in the Schedule, as altered by notifications (if any) issued under section 19; and
- (b) if he is registered under the Medical Acts,—
 - (i) must correctly inform the Registrar of the date of such registration, and
 - (ii) must furnish the Registrar with a correct statement of the titles or qualifications in respect of which he is so registered, and of the dates on which he obtained them, or
- (c) if he is not registered under the Medical Acts, must correctly inform the Registrar of the dates on which he obtained the titles or qualifications which entitle him to claim registration under this Act, and
- (d) give the Registrar any information which he reasonably may require for the purpose of discharging his duties under this Act.

Entry of
new titles and
qualifications
in register.

22. If a person whose name is entered in the register of medical practitioners obtains any title or qualification other than the title or qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed in this behalf by regulation made under section 34 (3) (b), be entitled to have an entry stating such other title or qualification made against his name in the register, either in substitution for, or in addition to, any entry previously made.

Disposal
of fees.

23. All fees received by the Council under this Act shall be applied for the purposes of this Act, in accordance with such rules as may be made by the Local Government under section 34 (2) (c).

Appeal to
Council from
decision of
Registrar.

24. If a person is dissatisfied with a decision of the Registrar, refusing to enter any title or qualification of such person in the register of medical practitioners, he may, at any time within three months from the date of such decision, appeal to the Council.

Erasure of
fraudulent
and incorrect
entries.

25. Any entry in the register of medical practitioners, which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be erased under an order in writing of the Council, after notice has been given to the person concerned and his objections (if any) have been considered.

• 26. (1) The Council may, upon reference from the Registrar or otherwise, prohibit the entry in, or order the removal from, the register of the name of any medical practitioner—

Power of Council to prohibit entry in, or to direct removal from the register, etc.

- (a) who has been sentenced by a Criminal Court to imprisonment for an offence indicating in the opinion of the Council such a defect in character as would render the entry or continuance of his name in the register undesirable, or
- (b) whom the Council after inquiry (at which an opportunity has been given to him to be heard in his defence and to appear either in person or by counsel, vakil, pleader or attorney, and which may, in the discretion of the Council, be held in camera) has found guilty by a majority of two-thirds of the members present and voting at the meeting of infamous conduct in any professional respect.

(2) Nothing in sub-section (1) shall be deemed to justify the exclusion or removal from the register of the name of any medical practitioner on the ground of his adoption of a theory of medicine and surgery not in accordance with the accepted view for the time being or of his association with a *quack*, *hakim*, or homoeopath or an unregistered practitioner, so long as that unregistered practitioner,

(a) is possessed of one of the qualifications specified in the Schedule, and

(b) is not a person whose name he has reason to believe has been excluded or removed from the register by the Council under sub-section (1) or would be so excluded if application for registration thereof were made.

(3) The Council may direct that the name of any person against whom an order has been made under sub-section (1) shall be entered or re-entered as the case may be.

27. (1) An appeal shall lie to the Local Government from every decision of the Council under section 24 or 26.

Appeal to Local Government from decision of Council.

(2) Every appeal under sub-section (1) shall be preferred within three months from the date of such decision.

28. No suit or other legal proceeding shall lie in respect of an act done in the exercise of a power conferred by this Act on the Local Government or the Council or the Registrar.

Bar to suits and other legal proceedings.

29. (1) Every registrar of deaths who receives notice of the death of a person whose name he knows to be entered in the register of medical practitioners shall forthwith transmit by post to the Registrar of the Council a certificate of such death, signed by him and stating particulars of the time and place of death.

Notice of deaths, and erasure of names from register.

(2) On receipt of such certificate, or other reliable information regarding such death, the Registrar of the Council shall erase the name of the deceased person from the register.

Penalty on
unregistered
person repre-
senting that
he is re-
gistered.

30. If a person whose name is not entered in the register of medical practitioners falsely pretends that it is so entered or uses in connection with his name or title any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a Magistrate of the first class, with fine which may extend to three hundred rupees.

Procedure in
inquiries
and appeals

31. For the purpose of any inquiry held under section 26, or of any appeal under section 24, the Council shall be deemed to be a Court within the meaning of the Indian Evidence Act, 1872,¹ and shall exercise the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850;² and every such inquiry and appeal shall be conducted, as far as may be, in accordance with the provisions of section 5 and sections 8 to 10 of the said Public Servants (Inquiries) Act, 1850.²

1 of 1872.

XXXVII of
1850.

XXXVII of
1850.

Reservation
of certain
appointments
to registered
practitioners.

32. Except with the general or special sanction of the Local Government or of any officer authorized by it in this behalf, no person other than a registered practitioner shall be competent to hold an appointment as medical officer of health, or as physician, surgeon or other medical officer in a hospital, asylum, infirmary, dispensary, or lying-in hospital, not being an institution avowedly maintained for the purpose of medical treatment according to the Homoeopathic, Ayurvedic or Unani system, which is supported partially or entirely by public or local funds.

Annual Medical List.

Publication
of, and pre-
sumption as
to entries in,
Annual Medi-
cal List.

33. (1) The Registrar shall, in every year, on or before a date to be fixed in this behalf by the Council, cause to be printed and published a correct list of the names for the time being entered in the register of medical practitioners, and setting forth--

- (a) all names entered in the register arranged in alphabetical order according to the surnames;
- (b) the registered address or appointment of each person whose name is entered in the register; and
- (c) the registered titles and qualifications of each such person, and the date on which each such title was granted or each such qualification was certified.

(2) Every Court shall presume that a person whose name is entered in the latest of such lists is duly registered under this Act, and that a person whose name is not so entered is not registered under this Act:

¹ Genl. Acts, Vol. II

² Genl. Acts, Vol. I.

Provided that, in the case of a person whose name does not appear in such list, a certified copy, signed by the Registrar, of the entry of the name of such person in the register of medical practitioners shall be evidence that such person is registered under this Act.

Rules and Regulations.

34. (1) The Local Government may, after previous publication, from time to time make rules consistent with this Act to carry out the purposes of this Act. Rules and Regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, the Local Government may make rules—

- (a) to regulate elections under this Act;
- (b) to prescribe the form of the register of medical practitioners to be maintained under this Act;
- (c) to regulate the application of fees;
- (d) to regulate the procedure to be followed by the Council in—
 - (i) conducting any inquiry under section 26; and
 - (ii) disposing of appeals from the decision of the Registrar preferred under section 24.

(3) In addition to the power conferred by section 13, the Council may, with the previous sanction of the Local Government, make regulations—

- (a) to prescribe the expenses payable to members of the Council;
- (b) to prescribe the fees chargeable in respect of any registration under this Act; and
- (c) to regulate the keeping of accounts.

(4) All such rules and regulations shall be published in the Gazette.

35. If at any time it shall appear to the Local Government that the Council has failed to exercise or has exceeded or abused a power conferred upon it under this Act or has failed to perform a duty imposed upon it by this Act, the Local Government may, if it considers such failure, excess, or abuse to be of a serious character, notify the particulars thereof to the Council; and if the Council fails to remedy such default, excess or abuse within such time as may be fixed by the Local Government in this behalf, the Local Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such agency and for such period as it may think fit: Control of Council by Local Government.

Provided that it shall take steps as soon as may be convenient to constitute a new Council of the members prescribed in section 4.

36. No provisions of the Act shall affect a Homœopathic, Ayurvedic or Unani practitioner. Savings

THE SCHEDULE.

PERSONS WHO ARE ENTITLED TO HAVE THEIR NAMES ENTERED IN THE
REGISTER OF MEDICAL PRACTITIONERS.

(See sections 18, 19, 20 and 21)

1. Every person who is for the time being registered or qualified to be registered under the Medical Acts.

2. Every Doctor, Bachelor or Licentiate of Medicine, or Master of Obstetrics or Master, Bachelor or Licentiate of Surgery, of the University of Calcutta, Bombay, Madras, Allahabad or Lahore.

3. Every person who has been trained in a Government Medical College or School in India, and holds a diploma or certificate, granted by the Government, declaring him to be qualified—

(a) to practise medicine, surgery and midwifery, or

(b) to perform the duties of military assistant surgeon, hospital assistant or sub-assistant surgeon.

4. Every person who has been granted a diploma by the State Medical Faculty in Bengal or by the College of Physicians and Surgeons of Bombay, declaring him to be qualified in like manner.

UNITED PROVINCES ACT No. IV of 1917.¹

[APPLIES TO THE UNITED PROVINCES.]

[30th May, 1917; 21st July, 1917.]

An Act to amend the United Provinces Local Rates Act, 1914.

WHEREAS it is expedient to amend the ²United Provinces Local Rates Act, 1914; It is hereby enacted as follows:—

Title, commencement and retrospective effect.

1. (1) This Act may be called the United Provinces Local Rates (Amendment) Act, 1917.

U. P. Act I
of 1914.

(2) It shall come into force at once, and, so far as may be necessary to validate anything done or purporting to be done under the ²United Provinces Local Rates Act, 1914, shall have effect as if it had been in force from the commencement of that Act.

Amendment of section 15 of U. P. Act I of 1914.

2. In section 15, clause (c), of the ²United Provinces Local Rates Act, 1914, for the word, letter, and brackets "clause (a)" the word, number, and brackets "sub-section (2)" shall be substituted.

U. P. Act I
of 1914.

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1917, Pt. VII, p. 258; and for Proceedings in Council, see *ibid*, 1917, Pt. VII, pp. 759 and 812.

² *Supra*, Vol. II.

THE OUDH SETTLED ESTATES ACT, 1917.

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SECTIONS.

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2. Interpretation clause.
3. Application for permission to settle property.
4. Rejection of application.
5. Issue of notice.
6. Grant or refusal of permission.
7. Application for permission to add to the settled estate.
8. Application for permission to revoke a declaration.
9. Form, contents, and publication of permission.
10. Execution of declaration.
11. Procedure.
12. Power to make certain declarations irrevocable.
13. Duties of registering officer and Collector.
14. Local Government empowered to exclude settled estate from the operation of the Act.
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16. Transfer of settled estate for a public purpose.
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21. Jurisdiction of courts barred in certain matters.
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23. Saving clause.
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THE SCHEDULE.

UNITED PROVINCES ACT No. V of 1917.¹

[APPLIES TO OUDH.]

[30th May, 1917; 23rd July, 1917.]

Ensemble. WHEREAS it is expedient to consolidate and amend the law for making better provision for the preservation of the estate of the taluqdars of Oudh and certain other persons; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Oudh Settled Estates Act, 1917.

Extent. It shall extend only to the estates or portions of an estate hereinafter referred to.

Interpretation clause. 2. Unless there be something repugnant in the subject or context all words occurring in this Act which are defined in the ²Oudh Estates Act, 1869, as amended by ²Act X of 1885 and the ²Oudh Estates (Amendment) Act, 1910, shall be deemed to have the meanings respectively assigned to them by that Act; 1 of 1869.
U. P. Act III of 1910.

“Settled estate” means immoveable property for the time being subject to the provisions of this Act by virtue of a declaration made under section 19;

“Competent to contract” means competent to contract within the meaning of section 11 of the ³Indian Contract Act, 1872. IX of 1872

Application for permission to settle property. 3. Notwithstanding any enactment to the contrary, it shall be lawful for—

- (a) any taluqdar or grantee whose name is inserted in the second, third, or fifth of the lists prepared under section 8 or section 9 of the ²Oudh Estates Act, 1869, or the heir or 1 of 1869. legatee of such taluqdar or grantee, or
- (b) any person whose name has been inserted in a list published under section 31A, sub-section (3) of the said Act, or the heir or legatee of such person, or
- (c) such a transferee or legatee of any of the persons specified in clauses (a) and (b) as is referred to in section 14 of the ²Oudh Estates Act, 1869, or 1 of 1869.
- (d) the heir or legatee of such a transferee or legatee as is referred to in clause (c), being entitled to a permanent, heritable, and transferable right in an estate, and in possession thereof, and competent to contract,

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1916, Pt. VII, p. 96; for Report of Select Committee, see *ibid*, 1917, Pt. VII, p. 21; and for Proceedings in Council, see *ibid*, 1916, Pt. VII, pp. 427, 708, and *ibid*, 1917, pp. 272 and 559.

² *Supra*, Vol. I.

³ Genl. Acts, Vol. II.

to apply in writing to the Local Government for permission to declare that such estate or a portion thereof shall in future be held subject to the provisions of this Act.

4. The Local Government may in its discretion reject such application either summarily or after such inquiry as it may think proper to make. Rejection of application.

5. If such application is not rejected under section 4, the Local Government shall publish in the Gazette a notice in English and in the vernacular, reciting the fact that an application has been made and the purport thereof, and calling upon all persons having claims enforceable against the applicant or his immoveable property to notify the same in writing within six months from the date of publication of the notice in English, and to show cause also in writing within such period why the permission sought by the applicant should not be granted, and shall, where such a course is practicable, serve a copy of such notice upon all persons known, or appearing from the application or other information received, to be interested in opposing the application. Issue of notice.

6. The Local Government, after considering the application and the result of any inquiry made by it or under its orders, and any further particulars or information called for by it, and the cause, if any, shown by any person against the application, may in its discretion either grant or refuse permission, or grant permission in respect of a portion only of the property to which the application relates. Grant or refusal of permission.

Provided that where any portion of the immoveable property of the applicant is subject to any encumbrance or charge, or may be held liable for any existing debt, demand, or claim, the Local Government shall not grant such permission unless the consent of all the encumbrancers upon, or persons entitled to charges upon, or persons having claims enforceable against the immoveable property of the applicant is obtained, or the encumbrances, charges, or claims of such persons as object to the grant of such permission are discharged, or arrangements considered satisfactory by the Local Government are made for their discharge, or the Local Government is satisfied that such persons will not be prejudiced by the grant of such permission.

7. (1) It shall be lawful for any person for the time being entitled to and in possession of a settled estate and competent to contract, to apply to the Local Government for permission to add to the settled estate any other immoveable property in respect of which an application might be made by him under section 3. Application for permission to add to the settled estate.

(2) On receipt of such application the Local Government shall proceed according to section 4 or sections 5 and 6.

8. (7) Subject to the provisions of section 12, it shall be lawful for any person for the time being entitled to and in possession of a settled estate, and being a male and competent to contract, to apply to the Local Government for permission to revoke wholly or in part any Application for permission to revoke a declaration.

declaration that property shall be held subject to the provisions of this Act.

(2) The Local Government, after considering the application and the result of any inquiry made by it or under its orders, and any further particulars or information called for by it, may in its discretion either grant or refuse permission, or grant permission in respect of a portion only of the property to which the application relates.

Form, contents, and publication of permission.

9. (1) Permission granted under section 6, 7, or 8, shall be in writing, signed by one of the Secretaries to the Local Government, and shall contain a description of the immoveable property in respect of which permission is granted sufficient to identify the same

(2) Every such permission shall be published in the Gazette in English and in the vernacular, and shall remain in force until the expiry of three months from the date of publication in English thereof, or until the death of the applicant, whichever shall first happen.

Execution of declaration.

10. The applicant may, by an instrument in writing, signed by him and attested by two or more witnesses and registered within three months from the date of publication in English of such permission (but not by a will), declare that the whole or any portion of the property in respect of which permission has been granted under section 6, 7, or 8, shall in future be held subject to, or exempt from, the provisions of this Act, as the case may be.

Such declaration shall take effect from the date of the registration thereof.

Procedure.

11. Every declaration presented for registration under section 10 shall be accompanied by the writing mentioned in section 9, and the registering officer shall satisfy himself that the property specified in the declaration presented for registration is included in the permission granted under that section, and that such permission is still in force.

Power to make certain declarations irrevocable.

12. The person executing a declaration that any property shall be held subject to the provisions of this Act may, in such declaration or by a subsequent instrument in writing, signed and attested as aforesaid, and registered, and any successor in interest of such person, in possession of the settled estate and competent to contract, may, by an instrument signed and attested as aforesaid, and registered, provide that any such declaration shall as regards the whole or any specified portion of the settled estate be irrevocable.

Duties of registering officer and Collector.

13. (1) On the registration of a declaration under section 11 or of such subsequent instrument as is mentioned in section 12, it shall be the duty of the registering officer to furnish the Collector of every district in which any portion of the property is situated with a properly authenticated copy of the same.

(2) On receipt of such copy the Collector shall cause a note to be made in such record or register as the Local Government shall direct,

and shall also cause a copy of the declaration to be published in the Gazette in English and in the vernacular.

14. Notwithstanding anything in this Act contained, it shall be lawful for the Local Government if, in its opinion, the holder for the time being of a settled estate is guilty of a breach of the conditions of the *sanad* under which such estate is held or for any other sufficient reason, to declare by notification in the Gazette that the settled estate to which such person is entitled and of which he is in possession shall cease to be subject to the provisions of this Act.

Local Government empowered to exclude settled estate from the operation of the Act.

Such declaration shall take effect from the date of the publication thereof.

15. Except as otherwise provided by this Act, no person entitled to a settled estate shall have power to transfer, dispose of, alienate, convey, charge, encumber or lease the same or any part thereof, or the profits thereof, for any greater or larger interest or time than during his life, nor shall a settled estate, or any part thereof, or the profits thereof, be held by any court to be or to have vested in such person for any larger or greater interest or time than for his life.

Dealings with settled estate to the prejudice of successors prohibited.

16. (1) The person for the time being entitled to and in possession of a settled estate may transfer, dispose of, alienate, convey, charge, encumber or lease the same or any part thereof—

Transfer of settled estate for a public purpose.

- (a) for a public purpose of a charitable or religious nature with the previous sanction of the Local Government, or
- (b) for any public purpose in favour of the Secretary of State or, with the previous sanction of the Local Government, of a local authority.

(2) Any sanction under sub-section (1) may impose such conditions as the Local Government deems expedient in respect of the extent or nature of the transfer, or of the terms of the instrument (if any) by which the transfer is to be effected, or of any other matter.

17. The person for the time being entitled to and in possession of a settled estate may lease the same or any part thereof for an agricultural purpose, at the best rent payable that can reasonably be obtained without fine or premium—

Agricultural leases of settled estate.

- (a) from year to year or for a term not exceeding seven years, or
- (b) with the previous sanction of the Collector, for a term exceeding seven, but not exceeding fourteen years:

Provided that a lease granted under this section—

- (1) shall be subject to any provisions of the ¹Agra Tenancy Act, 1901, or the ²Oudh Rent Act, 1886, as the case may be, applicable thereto, and

¹ *Supra*, Vol. II.

² *Supra*, Vol. I

- (2) shall, unless it is in respect of land situated outside Oudh, determine on the expiration of the settlement during the currency of which it has been granted, notwithstanding that it purports to be granted for a term outlasting such settlement.

Other leases
of settled
estate.

18. The person for the time being entitled to and in possession of a settled estate may lease the same or any part thereof for any other purpose—

- (a) at the best rent that can reasonably be obtained without fine or premium, from year to year or for a term not exceeding seven years, or
- (b) with the previous sanction of the Collector granted in accordance with any rules made under section 24 (2) (g), for a term exceeding seven years.

Appeals to
the Commis-
sioner.

19. Any person aggrieved by an order of the Collector refusing or granting sanction under section 17 or 18 may, within sixty days from the date of the orders, appeal to the Commissioner and the Commissioner may thereupon either maintain the order of the Collector or pass any other order that the Collector was competent to pass.

Anticipation
of rents.

20. Where any land is leased under the provisions of section 16, 17, or 18, no payment of any instalment of rent before it falls due shall operate to the prejudice of any successor in interest of the person to whom the payment is made.

Jurisdiction
of Courts
barred in
certain
matters.

21. (1) No Court shall question the validity or propriety of any declaration made under section 10—

- (a) except in so far as the declaration purports to affect property not included in the written permission granted by the Local Government, or
- (b) (where permission has been granted under section 6 or 7) except in so far as the person by whom the declaration is made shall be found not to have been entitled to and in possession of a permanent, heritable, and transferable right in the immoveable property included therein, or such person was not competent to contract, or
- (c) (where permission has been granted under section 8) unless such person shall be found not to have been entitled to and in possession of the settled estate at the date of the application under that section, or the declaration sought to be revoked was irrevocable.

(2) Except as provided in sub-section (1), no Court shall exercise jurisdiction in or over the following matters:—

- (a) the legality, propriety, or regularity of an application under section 3, 7, or 8, or of any proceeding held or order passed thereon;

- (b) the legality, propriety, regularity, or sufficiency of any notice issued under section 5;
- (c) the rejection of an application under section 4, or the grant or refusal of permission under section 6, 7, or 8;
- (d) the legality, propriety or regularity of any permission granted under section 9, or of any proceeding held under section 13, sub-section (2);
- (e) the sufficiency or otherwise of the reasons for the issue of a notification under section 14,
- (f) the exercise by the Local Government or a Collector or Commissioner of any discretion to grant, refuse, modify, or cancel any sanction vested in it or him by section 16, 17, 18, or 19;
- (g) the propriety or validity of any decision under section 16, 17, 18 or 19; that any transfer is or is not for a public purpose or of a charitable or religious nature, or that any lease is or is not for an agricultural purpose.

22. (1) Notwithstanding the provisions of any contract or disposition to the contrary, every person for the time being entitled to a settled estate, being a male, or being a female who, under the ordinary law to which persons of her religion and tribe are subject, would constitute a fresh stock of descent if she succeeded to the estate on an intestacy, shall, unless such person succeeded as a widow or a mother, constitute a fresh stock of descent for the purposes of section 22 of the ¹Oudh Estates Act, 1869, and on the death of such person intestate the settled estate shall descend according to the provisions of that section.

Devolution
and bequest
of settled
estates.

1 of 1869.

(2) Notwithstanding the provisions of any contract or disposition to the contrary, every person for the time being entitled to a settled estate who constitutes a fresh stock of descent according to sub-section (1) shall be competent to bequeath the same subject to the provisions of the ¹Oudh Estates Act, 1869:

1 of 1869.

Provided that such person shall not be competent to bequeath the same except as an impartible estate to be held by one person only and according to the provisions of this Act, or to subject the same or the profits thereof to any demand, charge or encumbrance whatsoever, or to bequeath the same to a stranger, so as to exclude from succession any person belonging to any of the classes specified in section 22 of the ¹Oudh Estates Act, 1869.

1 of 1869.

23. Nothing in this Act shall be deemed to deprive the holder for the time being of a settled estate of his right to adopt or to empower his widow to adopt a son, or to affect the right of any person to main-

Saving
clause.

tenance under Part VIII of the ¹Oudh Estates Act, 1869, or to affect ^{I of 1836.} the provisions of the ¹Oudh Rent Act, 1886. or the right of the Local ^{XXII of 1836.} Government or any public authority to recover by legal process any sum due on account of land revenue or recoverable as such or recoverable under the provisions of the ²Revenue Recovery Act, 1890. ^{I of 1860.}

Power to
make rules.

24. (1) The Local Government may, after previous publications, make rules for carrying out the purposes of this Act, provided that such rules shall not be inconsistent with the provisions of the ¹Oudh Estates Act, 1869. ^{I of 1860.}

(2) In particular, and without prejudice to the generality of the foregoing provision, the Local Government may make rules for all or any of the following matters:—

- (a) the procedure to be followed in submitting an application to the Local Government under this Act;
- (b) the form and contents of such an application and the documents, if any, by which such an application shall be accompanied;
- (c) the issue and service of notices under section 5;
- (d) the form of any declaration to be made under section 10;
- (e) the procedure to be adopted by the Collector under section 13, sub-section (2);
- (f) the payment or recovery of any expenses incurred in, or in connection with, proceedings held under this Act;
- (g) the period or periods for which, and the restrictions and conditions, subject to which leases for a purpose other than agricultural and for a period exceeding seven years may be sanctioned by the Collector under section 18 (b).

Repealed.

25. The enactments specified in the Schedule are hereby repealed to the extent specified in the fourth column thereof.

THE SCHEDULE.

ENACTMENTS REPEALED.

(See section 25.)

Year.	Number.	Short title.	Extent of repeal.
1900 . . .	II	The Oudh Settled Estates Act, 1900.	So much as has not already been repealed.
1910 . . .	II	The Oudh Settled Estates (Amendment) Act, 1910.	The whole.

¹ *Supra*, Vol. I.

² *Genl Acts*, Vol. IV.

UNITED PROVINCES ACT No. I of 1918.¹

[APPLIES TO THE UNITED PROVINCES.]

[11th February, 1918; 11th March, 1918.]

An Act to amend the United Provinces Municipalities Act, 1916.

U. P. Act II of 1916 WHEREAS it is expedient to amend the United Provinces Municipalities Act, 1916 (hereinafter called the said Act); It is hereby enacted as follows:—

1. This Act may be called the United Provinces Municipalities Short title. (Amendment) Act, 1918.

2. Clause (xiii) of sub-section (1) of section 128 of the said Act shall be re-numbered as clause (xiv) and after clause (xii) of the said sub-section, the following clause shall be inserted, namely:—

[Vol. II of this Code, p. 903.]

3. For the full-stop at the end of sub-section (2) of section 128 of the said Act shall be substituted a comma, and the following shall be added, namely:—

[Vol. II of this Code, p. 903.]

4. After the words and figures "of section 128" in sub-section (3) of section 133 of the said Act, the following shall be inserted, namely:—

[Vol. II of this Code, p. 905.]

Addition of a new clause to sub-section (1) of section 128 of Act No. II of 1916.

Amendment of sub-section (2) of section 128 of Act No. II of 1916.

Amendment of sub-section (3) of section 133 of Act No. II of 1916.

UNITED PROVINCES ACT II of 1918.²

[APPLIES TO THE PROVINCE OF AGRA.]

[15th April, 1918; 13th May, 1918.]

An Act further to amend the Bundelkhand Encumbered Estates Act, 1903.

U. P. Act I of 1903. WHEREAS it is expedient further to amend the Bundelkhand Encumbered Estates Act, 1903;³ It is hereby enacted as follows:—

1. This Act may be called the Bundelkhand Encumbered Estates Short title. (Amendment) Act, 1918.

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1917, Pt. VII, p. 1050 and for Proceedings in Council, see *ibid*, 1917, Pt. VII, p. 1101, and *ibid*, 1918, p. 149.

² For Statement of Objects and Reasons, see United Provinces Gazette, 1918, Pt. VII, p. 224 and for Proceedings in Council, see *ibid*, 1918, Pt. VII, p. 263.

³ *Supra*, Vol. II.

Amendment
of section
21 of United
Provinces
Act No. I
of 1903.

2. In clause (a) of section 21 of the Bundelkhand Encumbered Estates Act, 1903,¹ for the words "the rate of five per cent. per annum," and in clause (c) of the same section for the words "five per cent. per annum," the words "such rate as the Local Government may from time to time fix, and which may not exceed by more than two per centum per annum the rate of interest fixed by the Government of India on advances made to the Local Government" shall be substituted.

UNITED PROVINCES ACT III OF 1918.²

(APPLIES TO THE UNITED PROVINCES.)

[5th May, 1918; 30th May, 1918.]

An Act to declare the interest payable to any person on an Oudh Amanati Note to be a pension within the meaning of the Pensions Act, 1871.

WHEREAS it is expedient that the interest payable by Government to any person on any of the Government promissory notes known in Oudh as the Amanati Notes should be declared a pension;

And whereas the sanction of the Governor General has been obtained under section 79 (2) of the Government of India Act, 1915, to altering^{5 & 6 Geo. 5, c. 61.} the Pensions Act as to the United Provinces of Agra and Oudh as provided in section 2 of this Act;

It is hereby enacted as follows:—

Short title.

1. This Act may be called the Oudh Amanati Notes Act, 1918.

Interest on
Amanati
Notes to be
deemed a
pension.

2. The interest payable from time to time by Government to any person on any of the Government promissory notes known as Amanati Notes, whereof a list and description is set forth in Schedule I, shall be deemed to be a pension due to such person within the meaning of the Pensions Act, 1871,³ and that Act shall apply to any such interest as if it were a pension of the classes referred to in sections 4 and 11: 1871.

Provided that in applying section 10 of the said Act to such interest, that section shall be read as if it were as follows:—

The Local Government may—

(a) order any interest amounting to more than one rupee but not more than five rupees a month payable on an Amanati Note

¹ *Supra*, Vol. II.

² For Statement of Objects and Reasons, see United Provinces Gazette, 1917, Pt. VII, p. 1287 and for Proceedings in Council, see *ibid*, 1917, Pt. VII, p. 1319 and *ibid*, 1918, p. 587.

³ Genl. Acts, Vol. II.

to any person to be commuted with the consent of such person for a lump sum on such terms as may seem fit, except where the circumstances of the said person are such that the stoppage of the pension would result in his being left destitute, and

- (b) order any interest amounting to one rupee a month or less payable on an Amanati Note to any person to be commuted on such terms as may seem fit with or without the consent of such person.

SCHEDULE I.

No.	034056	of	1854-55	for	Rs.	12,00,000
"	034051	"	1854-55	"	4,80,000	
"	034518	"	1854-55	"	2,40,000	
"	034054	"	1854-55	"	1,20,000	
"	011227	"	1854-55	"	60,000	
"	034515	"	1854-55	"	60,000	
"	014313	"	1854-55	"	1,20,000	
"	034517	"	1854-55	"	72,000	
"	031052	"	1854-55	"	24,000	
"	034516	"	1854-55	"	12,000	
"	041180	"	1854-55	"	12,000	
"	034053	"	1854-55	"	5,00,000	
"	034055	"	1854-55	"	1,00,000	

UNITED PROVINCES ACT I OF 1919.¹

[APPLIES TO THE PROVINCE OF OUDH.]

[*8th January, 1919; 30th January, 1919.*]

WHEREAS in future the landholders of the Gorakhpur district will not be required to maintain *goraits* and the rent-free holdings (locally known as *jagirs*) now possessed by *goraits* will be assessed to land revenue;

And whereas it is not expedient that the *jagirs* now held by *goraits* should be liable to resumption under the provisions of the Agra Tenancy

U. P. Act II
of 1901.

Act, 1901;²

It is hereby enacted as follows:—

1. (1) This Act may be called the Gorakhpur Goraits Act, 1919.

Short title,
extent and
application.

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1918, Pt. VII, p. 797 and for Proceedings in Council, see *ibid*, 1918, Pt. VII, pp. 835 and 1175 and *ibid*, 1919, p. 28.

² *Supra*.

(2) It extends to the Gorakhpur District of the United Provinces. *

(3) It applies to all holdings granted in lieu of service as a *gorait* and held rent-free by a *gorait* at the commencement of this Act.

Definitions.

2. In this Act "Settlement Officer" and "Assistant Settlement Officer" mean respectively a Settlement Officer and an Assistant Settlement Officer appointed under section 60 of the United Provinces Land Revenue Act, 1901.¹

U. P. Act III
of 1901.

Exclusion of Chapter X of the Agra Tenancy Act.

3. Nothing in Chapter X of the Agra Tenancy Act, 1901,¹ shall apply to any holding to which this Act applies, but every such holding shall be liable to have rent fixed on it, and the grantee thereof shall be deemed to have been a tenant from the date of the grant, and the class of his tenancy shall be determined with reference to the provisions of the Agra Tenancy Act, 1901.¹

U. P. Act II
of 1901.

Settlement Officer to fix rents and determine class of tenure.

4. (1) The Settlement Officer or any Assistant Settlement Officer empowered under clause (9) of section 231 of the United Provinces Land Revenue Act, 1901,¹ to determine rents, shall fix the rent of any holding to which this Act applies and determine whether the tenant thereof is an occupancy or non-occupancy tenant, and in the case of a non-occupancy tenant the date from which the tenancy commenced:

U. P. Act, II
of 1901.

U. P. Act III
of 1901.

Provided that after the close of settlement operations the Local Government may invest any officer with the powers of a Settlement Officer for the purposes of this Act.

(2) Rent fixed under sub-section (1) shall be payable from such date as the Settlement Officer or Assistant Settlement Officer may determine.

(3) A non-occupancy tenant whose rent has been fixed under sub-section (1) shall be entitled to hold the land at that rate for a period of seven years, and an order under sub-section (1) shall have the same force and effect as a registered lease under the provisions of section 11 of the Agra Tenancy Act, 1901.¹

U. P. Act II
of 1901.

Method of fixing rents.

5. In fixing rents under this Act the Settlement Officer or Assistant Settlement Officer shall have regard to the rent-rates for occupancy and non-occupancy tenants, respectively, sanctioned by the Board in passing orders on the report submitted under section 63 of the United Provinces Land Revenue Act, 1901,¹ for similar land with similar advantages in the circle in which the holding of the tenant is situated, or to the special rent-rates (if any) employed for the assessment of the mahal in which such holding is situated.

U. P. Act III
of 1901.

Procedure.

6. The proceedings of a Settlement Officer or Assistant Settlement Officer under this Act shall be governed by the provisions of Chapter IX

U. P. Act III of 1901. of the United Provinces Land Revenue Act, 1901,¹ so far as they are applicable.

7. (1) Any order passed under section 4 shall be subject to appeal and revision as if it were an order of a Settlement Officer passed under the provisions of the United Provinces Land Revenue Act, 1901.² Appeals and review.

U. P. Act III of 1901.

V of 1908.

(2) The Settlement Officer or Assistant Settlement Officer shall be competent to review, in accordance with the provisions of Order XLVII of the Code of Civil Procedure, 1908,² any order passed under section 4.

(3) Except as provided in sub-section (1) and sub-section (2), no order passed under the provisions of this Act shall be called in question in any civil or revenue court.

U. P. Act II of 1901.

8. Where prior to this Act any village *gorait* has succeeded to or obtained possession as such *gorait* of a rent-free holding on the death or resignation of a previous holder to whose interest in the holding he might, in the absence of other heirs, have succeeded under the provisions of section 22 of the Agra Tenancy Act, 1901¹, such previous holder having also been a village *gorait*, the person so succeeding shall, notwithstanding anything contained in the said section, be deemed to have inherited from the previous holder, whether or not he shared in the cultivation in the lifetime of such holder. Special rule of succession.

9. The Board of Revenue may, after previous publication, make rules consistent with this Act regulating the procedure of the Settlement Officer or Assistant Settlement Officer in fixing rents and determining the class of tenancy under sections 4 and 5, and generally for carrying out the provisions of this Act. Power of the Board of Revenue to make rules.

UNITED PROVINCES ACT II OF 1919.¹

[APPLIES TO THE UNITED PROVINCES.]

[4th March, 1919; 14th March, 1919.]

An Act to amend the United Provinces Municipalities Act, 1916.

U. P. Act II of 1916.

WHEREAS it is expedient further to amend the United Provinces Municipalities Act, 1916;¹ It is hereby enacted as follows:—

1. This Act may be called the United Provinces Municipalities (Amendment) Act, 1919. Short title.

¹ *Supra.*

² Genl. Acts, Vol. VI.

³ For Statement of Objects and Reasons, see United Provinces Gazette, 1919, Pt. VII, p. 77 and for Proceedings in Council, see *ibid.*, 1919, Pt. VII, pp. 29 and 194.

Amendment
of section 8,
United
Provinces Act
II of 1916.

2. (1) In sub-section (1) of section 8 of the ¹United Provinces Municipalities Act, 1916, after the words "within the limits of the municipality" the following phrase shall be inserted, namely:—

U. P. Act II
of 1916.

[Vol. II of this Code, p. 861.]

(2) (a) After clause (l) of sub-section (1) of section 8 of the said Act the word "and" shall be omitted.

(b) After clause (m) of sub-section (1) of section 8 of the said Act the word "and" shall be added and the following new clause shall be inserted, namely:—

[Vol. II of this Code, p. 861.]

(3) Sub-section (3) of section 8 of the said Act shall be omitted.

Amendment
of section 14,
United Pro-
vinces Act
II of 1916.

3. In sub-clauses (iii) and (iv) of clause (b) of sub-section (2) of section 14 of the said Act after the words "house or building" the words "in the municipality" shall be inserted.

(2) In sub-clause (vii) of clause (b) of sub-section (2) of section 14 of the said Act for the words "an expropriary tenant or occupancy tenant" the words "a fixed-rate tenant, expropriary or occupancy tenant" shall be substituted.

Amendment
of section 24,
United Pro-
vinces Act II
of 1916.

4. In sub-section (1) of section 24 of the said Act the words "be entitled to" shall be omitted.

Amendment
of section 30,
United Pro-
vinces Act II
of 1916.

5. In section 30 of the said Act for the words "supersede the board" the words "either dissolve the board or supersede it" shall be substituted, and in the marginal note of this section the words "dissolve or" shall be inserted before the word "supersede."

Insertion of
new section
31-A in
United Pro-
vinces Act II
of 1916.

6. After section 31 of the said Act the following new section shall be inserted, namely:—

[Vol. II of this Code, p. 872.]

Amendment
of section
38, United
Provinces
Act II
of 1916.

7. (1) In sub-section (1) of section 38 of the said Act after the word "sub-section" the figure, letter, and brackets "(4) (a)" shall be inserted.

(2) After sub-section (1) of section 38 of the said Act the following sub-section shall be inserted, namely:—

[Vol. II of this Code, p. 874.]

8. For sub-section (2) of section 46 of the said Act the following sub-section shall be substituted, namely:—

[Vol. II of this Code, p. 877.]

Amendment of section 46, United Provinces Act II of 1916.

9. After section 53 of the said Act the following new section shall be inserted, namely:—

[Vol. II of this Code, p. 880.]

Insertion of new section 53-A in United Provinces Act II of 1916.

10. (a) In clause (d) of sub-section (1) of section 60 of the said Act after the word and figures "Schedule II" the following phrase shall be inserted, namely:—

[Vol. II of this Code, p. 882.]

Amendment of section 60, United Provinces Act II of 1916.

(b) At the beginning of the second sub-section of the said section, for the figure "3" the figure "2" shall be substituted.

11. In sub-section (2) of section 113 of the said Act after the words "duly elected" the words "or nominated" shall be inserted.

Amendment of section 113, United Provinces Act II of 1916.

12. To sub-section (1) of section 149 of the said Act the words "except when otherwise provided by rule" shall be prefixed.

Amendment of section 149, United Provinces Act II of 1916.

13. In sub-section (2) of section 157 of the said Act for the words "by the Local Government in the case of cities and by the Commissioner in other cases" the words "by the Commissioner" shall be substituted.

Amendment of section 157, United Provinces Act II of 1916.

14. To section 180 of the said Act the following shall be added as sub-section (5), namely:—

[Vol. II of this Code, p. 920.]

Amendment of section 180, United Provinces Act II of 1916.

15. In section 185 of the said Act, after the word "contravention" the words "of the provisions of section 180, sub-section (5) or" shall be inserted.

Amendment of section 185, United Provinces Act II of 1916.

16. In the first column of Schedule II of the said Act, after the figures 211, 269, and 275 (3), in each case, the words and brackets "(in part)" shall be inserted.

Amendment of Schedule II, United Provinces Act II of 1916.

17. In the first column of Schedule VII of the said Act, after the figures 35 and 296 in each case, the words and brackets "(in part)," and in the second column of the said Schedule against the figure 296 in the first column after the words "to make rules" the words "except rules under clauses (a), (b), and (c) of section 153 applicable to municipalities other than cities" shall be inserted.

Amendment of Schedule VII, United Provinces Act II of 1916.

UNITED PROVINCES ACT III OF 1919.¹

[APPLIES TO THE UNITED PROVINCES.]

[18th March, 1919; 11th April, 1919.]

An Act to amend the Co-operative Societies Act, 1912.

WHEREAS it is expedient to amend the law relating to Co-operative Societies in the United Provinces, and whereas the sanction of the Governor General under sub-section (2) of section 79 of the Government of India Act, 1915, has been accorded for the modification of the Co-operative Societies Act, 1912,² in the manner hereinafter appearing; ^{5 & 6 Geo. 5, c. 61.} It is hereby enacted as follows:—

Short title
and extent.

1. (1) This Act may be called the Co-operative Societies (Amendment) Act, 1919.

(2) It extends to the territories for the time being administered by the Lieutenant-Governor of the United Provinces.

Construction
of section 42
of Act No.
II of 1912.

2. Section 42 of the Co-operative Societies Act, 1912², shall be construed as if— ^{II of 1912.}

(a) after sub-section (4) of the said section the following sub-section were inserted, namely:—

“(4a) Any sum ordered under this section to be recovered as a contribution to the assets of the society or as costs of liquidation may be recovered, on a requisition being made in this behalf to the Collector by the Registrar of Co-operative Societies, in the same manner as arrears of land revenue,” and

(b) at the beginning of sub-section (5) of the said section the following words were inserted, namely:—“Save as provided in sub-section (4a).”

UNITED PROVINCES ACT IV OF 1919.³

[APPLIES TO THE UNITED PROVINCES.]

[18th March, 1919; 15th April, 1919.]

An Act further to amend the United Provinces Excise Act, 1910.

WHEREAS it is expedient further to amend the United Provinces Excise Act, 1910; It is hereby enacted as follows:—

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1918, Pt. VII, p. 1132 and for Proceedings in Council, see *ibid*, 1918, Pt. VII, p. 1173 and *ibid*, 1919, pp. 104 and 194.

² Genl. Acts, Vol. VII.

³ For Statement of Objects and Reasons, see United Provinces Gazette, 1918, Pt. VII, p. 1131; for Report of Select Committee, see *ibid*, 1919, Pt. VII, p. 83; and for Proceedings in Council, see *ibid*, 1918, Pt. VII, pp. 834 and 1175 and *ibid*, 1919, pp. 105 and 194

1. This Act may be called the United Provinces Excise (Amendment) Act, 1919.

U. P. Act IV
of 1910.

2. In section 3 of the United Provinces Excise Act, 1910,¹ in definition (22) the word "room" shall be inserted after the word "shop."

Amendment
of section
3 of United
Provinces Act
IV of 1910.

3. In sections 51, 54, 69, and 70 (1) (a) of the said Act the word, figures, and letter "section 60A," shall be inserted after the word and figures "section 60."

Amendment
of sections 51,
54, 69, and 70
of United
Provinces Act
IV of 1910.

4. After section 60 of the said Act the following sections shall be inserted, namely:—

Insertion of
new sections
60A and 60B
in United
Provinces Act
IV of 1910.

[Vol. II of this Code, p. 750.]

UNITED PROVINCES ACT V OF 1919.²

[APPLIES TO THE UNITED PROVINCES.]

[31st March, 1919; 14th May, 1919.]

An Act further to amend the law in force in the United Provinces relating to Public Gambling.

WHEREAS it is expedient further to amend the law in force in the United Provinces relating to Public Gambling; and whereas the previous sanction of the Governor General has been obtained as required by section 79 of the Government of India Act, 1915 (5 & 6 Geo. V, Chapter 61);

It is hereby enacted as follows:—

1. (1) This Act may be called the United Provinces Public Gambling (Amendment) Act, 1919.

Short title
and extent.

(2) It extends to all the territories for the time being administered by the Lieutenant-Governor of the United Provinces.

2. For the first paragraph of section 2 of the Public Gambling Act, 1867, the following shall be substituted, namely:—

III of 1867.

Amendment
of section 2
of Act III
of 1867.

[Vol. I of this Code, p. 98.]

¹ *Supra*, Vol. II.

² For Statement of Objects and Reasons, see United Provinces Gazette, 1918, Pt. VII, p. 1218; for Report of Select Committee, see *ibid.*, 1919, Pt. VII, p. 133; and for Proceedings in Council, see *ibid.*, 1918, Pt. VII, p. 1174 and *ibid.*, 1919, pp. 28, 194 and 327.

UNITED PROVINCES ACT VI OF 1919.¹

[APPLIES TO THE UNITED PROVINCES.]

[31st March, 1919; 15th May, 1919.]

An Act further to amend the United Provinces Municipalities Act, 1916.

WHEREAS it is expedient further to amend the United Provinces Municipalities Act, 1916² (hereinafter called the said Act); It is hereby enacted as follows:—

U. P. Act II of 1916.

Short title.

1. This Act may be called the United Provinces Municipalities (Amendment) Act, 1919.

Insertion of sub-section 3 after sub-section (2) of section 52 of United Provinces Act II of 1916. Amendment of section 297 clause (1) (c) of United Provinces Act II of 1916.

2. After sub-section (2) of section 52 of the said Act the following sub-section shall be inserted, namely:—

[Vol. II of this Code, p. 879.]

3. In clause (c) of sub-section (1) of section 297 of the said Act after the word "proceedings" the words "including the asking of questions by members" shall be inserted.

THE UNITED PROVINCES PRIMARY EDUCATION ACT, 1919.

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2. Definitions.
3. Issue of notification making primary education compulsory.
4. Board to make provision for primary education.
5. Application for issue of notification.
6. Appointment of school committee.
7. Duty of parents to cause children to attend school.

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1918, Pt. VII, p. 1220 and for Proceedings in Council, see *ibid*, 1919, Pt VII, pp. 104, 194 and 328.

² *Supra*.

SECTIONS.

8. Meaning of reasonable excuse.
9. Issue of attendance order by the school committee.
10. Penalty for failure to obey attendance order.
11. Penalty for employing children able to attend primary school.
12. Cognizance of offences.
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14. Power to exempt particular class or community.
15. Taxation for the purposes of this Act.
16. Fines to be credited to municipal fund.
17. Withdrawal of notification or orders.
18. Power of Local Government to make rules.
19. Power of board to make regulations.
20. Delegation of powers.

UNITED PROVINCES ACT VII OF 1919.¹

[APPLIES TO THE UNITED PROVINCES.]

[2nd April, 1919; 18th May, 1919.]

An Act to provide for the extension of Primary Education in Municipalities in the United Provinces.

WHEREAS it is expedient to provide for the extension of primary education in municipalities in the United Provinces, and with the aforesaid object, to enable municipal boards to introduce compulsory primary education;

It is hereby enacted as follows:—

1. (1) This Act may be called the United Provinces Primary Education Act, 1919. Short title,
extent and
construction.

(2) It extends to all the municipalities of the United Provinces.

U. P. Act II
of 1916.

(3) It shall be construed as part of and supplementary to the United Provinces Municipalities Act, 1916,² hereinafter called the Principal Act.

2. In this Act, unless there is anything repugnant in the subject or context— Definitions

(1) “to attend” a recognized primary school means to be present for instruction at such school, on such days in the year, at

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1918, Pt. VII, p. 1227 and for Proceedings in Council, see *ibid*, 1919, Pt. VII, pp. 32, 194 and 328.

² *Supra*.

such time or times, and for so many hours on each day of attendance, as may be fixed by the board with the approval of the prescribed authority.

- (2) "Child" means a child whose age is not less than five and not more than eleven years.
- (3) "Parent" includes a guardian or any person who has the actual custody or is in charge of a child.
- (4) "Primary education" means such instruction in reading, writing, and arithmetic, as may be prescribed for the time being for primary schools by the Local Government, and such instruction in other subjects, if any, as may be determined by the board with the approval of the prescribed authority.
- (5) "Recognized Primary School" means a school or a department of a school in which instruction in primary education is given and which is for the time being recognized by the prescribed authority.
- (6) "School committee" means a committee appointed under the provisions of section 6 of this Act.

Issue of notification making primary education compulsory.

3. (1) On the application of the board the Local Government may declare by notification that the primary education of male children shall be compulsory in the whole or any part of the municipality.

(2) Where a notification issued under sub-section (1) is in force, the Local Government may, on the application of the board, issue a notification that the primary education of female children shall be compulsory in the whole or any part of the municipality.

(3) A notification issued under this section shall specify the date from which, and the area or areas in which, primary education shall be compulsory, and public notice shall be given of the notification in the manner prescribed by section 304 of the Principal Act.

Board to make provision for primary education.

4. A notification shall not be issued under section 3 unless (a) the board has by special resolution which has been passed by a vote of not less than two-thirds of the members present at the meeting, and not less than one-half of the total number of members constituting the board resolved that such primary education should be made compulsory, and (b) the Local Government is satisfied that the board is in a position to make, and will make adequate provision in recognized primary schools for such compulsory primary education free of charge.

Application for issue of notification.

5. An application by the board under section 3 shall be made in such manner as may be prescribed by the Local Government, and the board shall furnish such information in respect of the application as may be required by the Local Government.

Under section 11, the school committee, the board of primary education, or the school committee, shall appoint one or more persons to be the inspectors of the schools, and performing the duties of the school committee under this Act.

(2) It shall be the duty of each school committee subject to the provisions of this Act and the Principal Act, to enforce the provisions of this Act respecting the attendance of the children at school and the employment of children.

7. Where a child of compulsory age is not attending a recognized primary school, or is attending a primary school which is not a recognized primary school, the school committee shall, if such child is not attending a recognized primary school, or is attending a primary school which is not a recognized primary school, cause such child to attend a recognized primary school.

8. Any of the following circumstances shall be deemed to be a reasonable excuse within the meaning of section 7. — Meaning of reasonable excuse.

- (1) That there is no recognized primary school within the distance of one mile by the nearest route from the residence of the child.
2. That the child has been exempted by the school committee on religious grounds.
3. That the child is receiving otherwise than in a recognized primary school primary education in a satisfactory manner.
- 4) That the child is certified by such authority as may be appointed in this behalf by the board to have completed the primary course.
- 5) That the child has been granted temporary leave of absence from school, in accordance with regulations made under this Act by the board.
- (6) That the child is certified by a medical officer approved for this purpose by the board to be unfit to attend school by reason of some bodily defect or infirmity.

9. Where the school committee is satisfied that a parent who is bound under the provisions of section 7 to cause a child to attend a recognized primary school, has failed to do so, the school committee, after giving the parent an opportunity of being heard, and after such inquiry as it considers necessary, may pass an order directing the parent to cause such child to attend a recognized primary school from a date which shall be specified in the order. Issue of attendance order by the school committee.

10. (7) Any parent against whom an order has been passed under section 9, and who, without reasonable excuse as defined in section 8, has Penalty for failure

to obey
such
order.

Failed to obey such order shall, on conviction before a magistrate, be liable to a fine not exceeding five rupees.

(2) Any parent who having been convicted of an offence under sub-section (1) continues to disobey the order passed under section 9 shall be liable to a fine not exceeding one rupee for every day after the date of the first conviction during which he is proved to have persisted in disobeying the order.

Penalty for
parents
child liable
to attend
primary

11. Any person who shall during the prescribed hours of attendance at school, utilize on his own behalf or on behalf of any other person in connection with any employment, whether for remuneration or not, the services of any child required under this Act to attend at any primary school shall, on conviction before a magistrate, be liable to a fine not exceeding twenty-five rupees.

Compliance
of orders.

12. No court shall entertain any offence under section 10 or section 11 except on the complaint of or on information received from the school committee, or from such person as may be authorized by the school committee by general or special order in this behalf.

Remission
of fees.

13. No fee shall be charged in any municipal school within the area in which a notification under section 3 is in force in respect of the primary education of any child to whom such notification applies.

Power to
exempt
particular
class or
community.

14. The Local Government, after taking into consideration any representation made by the board in this behalf, may, by notification, exempt any particular class or community from the operation of the Act.

Taxation for
the purposes
of this Act.

15. (1) Where a notification under section 3 is in force, the board may impose a tax, hereinafter called the "education cess" the proceeds of which shall be devoted solely to primary education.

(2) The board may for the purpose of the education cess, select any of the taxes which it is authorized to impose under the Principal Act, or may, for that purpose increase any tax which is already levied under the provisions of the said Act, and in the latter case, the income derived from the increase shall be deemed to be the proceeds of the education cess.

(3) An education cess shall not be imposed unless the board by a special resolution, which has been passed by a vote of not less than two-thirds of the members present, resolve that the imposition of such a tax is desirable and necessary.

Fines to be
credited to
municipal
fund.

16. All fines realized on conviction under the provisions of this Act, shall be credited to the municipal fund.

17. When the Local Government is of opinion that default has been made by any board in respect of its duties under this Act, it may, after giving the board an opportunity of submitting an explanation, cancel the notification issued under section 13.

Withdrawal
of notification
on default.

18. (1) The Local Government may, if it provides publication make rules for the purposes of this Act.

Power of
Local Gov-
ernment to
make rules.

(2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Local Government may make rules—

- a) prescribing the manner in which the boards (1), (4), and (5) of section 12,
- b) prescribing the manner in which the range of instruction in primary schools;
- c) prescribing the manner in which an application may be made by the board under section 13, and the particulars to be stated in such application;
- d) determining generally what shall be considered to be adequate provision for compulsory primary education free of charge;
- e) requiring the board to prepare and publish a register of children in the municipality, and
- f) defining the conditions on which the Local Government will bear a share of the cost of providing primary education.

19. The board of a municipality in which a notification under section 13 is in force may make regulations consistent with this Act prescribing—

Power of
board to
make regu-
lations.

- a) the manner in which the school committee shall be constituted, the number of its members, and their duties, powers, and responsibilities;
- b) the steps which the school committee may take to secure the attendance of children at school, and the conditions under which leave of absence from school may be allowed;
- c) the jurisdiction of each school committee where more than one school committee are appointed;
- d) the relations to be observed between the school committee and any education committee that may have been appointed under section 104 of Principal Act.

20. The Local Government shall not delegate its powers under this Act.

Delegation
of powers.

THE UNITED PROVINCES TOWN IMPROVEMENT
ACT, 1919.

CONFIDENTIAL

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 69. Procedure if the Trust fails to make any payment in respect of loans of the Trust.
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THE SCHEDULE.

UNITED PROVINCES ACT VIII OF 1919.¹

[APPLIES TO THE UNITED PROVINCES.]

[11th October, 1919; 5th November, 1919.]

An Act for the improvement of certain areas.

WHEREAS it is expedient to make provision for the improvement and Preamble.
expansion of towns in the United Provinces, and whereas the previous

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1919, Pt. VII, p. 652; for Report of Select Committee, see *ibid*, 1919, Pt. VII, p. 698; and for Proceedings in Council, see *ibid*, 1919, Pt. VII, pp. 684, 764 and 796.

Certain provisions of this Act have been modified by the United Provinces Town Improvement (Appeals) Act, 1920 (3 of 1920), Vol I, *supra*.

sanction of the Governor General has been obtained under sub-section (2) of section 79 of the Government of India Act, 1915; It is hereby enacted as follows:—

5 & 6 Dec. 5.
a. 61.

CHAPTER I.

PRELIMINARY.

Title, extent,
and com-
mencement.

1. (1) This Act may be called the United Provinces Town Improvement Act, 1919.¹

(2) It extends to the territories for the time being administered by the Lieutenant-Governor of the United Provinces.

(3) This section and section 66 shall come into force at once. The Lieutenant-Governor may, by notification, direct that the rest of the Act shall come into operation in the whole or any part of any municipality, and in any area adjacent thereto, on such date as may be specified in such notification.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

- (1) words and expressions not defined in this Act have the same meaning as in the ²United Provinces Municipalities Act, U. P. Act II 1916, as from time to time amended (hereinafter called the ^{of 1910.} Municipalities Act);
- (2) "building line" means a line (in rear of the street alignment) up to which the main wall of a building abutting on a projected public street may lawfully extend;
- (3) "land" has the same meaning as in clause (a) of section 3 of the ^{1 of 1894.} Land Acquisition Act, 1894;
- (4) "rule" means a rule made under section 72 or section 73;
- (5) "street alignment" means a line dividing the land comprised in and forming part of a street from the adjoining land;
- (6) "tribunal" means a tribunal constituted under section 59;
- (7) all references to anything done, required, authorized, permitted, forbidden; or to any power vested, under this Act, shall include anything done, required, authorized, permitted, forbidden; or any power vested—

(a) by any provision of this Act; or

¹ Certain provisions of this Act have been modified by the United Provinces Town Improvement (Appeals) Act, 1920 (3 of 1920), *supra*, Vol. I.

² *Supra*, Vol. II.

³ Genl. Acts, Vol. IV.

- (b) by any rule or scheme made under the provisions of this Act; or
- (c) under any provision of the Municipalities Act which the Trust has by virtue of this Act power to enforce.

CHAPTER II.

CONSTITUTION OF TRUSTS.

3. The duty of carrying out the provisions of this Act in any local area shall, subject to the conditions and limitations hereinafter contained, be vested in a board to be called "The (name of town) Improvement Trust" hereinafter called "the Trust;" and every such board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be used.

(Creation and
incorporation
of Trust.)

4. (1) The Trust shall consist of seven Trustees, namely:—

Constitution
of Trust.

- (a) a Chairman;
- (b) the Chairman of the municipal board;
- (c) two other members of the municipal board;
- (d) three other persons.

(2) The Chairman and the three persons referred to in clause (d) of sub-section (1) shall be appointed by the Local Government by notification.

(3) The Chairman of the municipal board shall be a Trustee *ex-officio*.

(4) The two members of the municipal board referred to in clause (c) of sub-section (1) shall be elected by the municipal board.

(5) If the municipal board does not, by such date as may be fixed by the Local Government, elect a person to be a Trustee, the Local Government shall, by notification, appoint a member of the municipal board to be a Trustee, and any person so appointed shall be deemed to be a Trustee as if he had been duly elected by the municipal board.

(6) Of the three persons referred to in clause (d) of sub-section (1) not more than one shall be a Government servant.

Explanation.—For the purposes of this section the term "Government servant" does not include a Government treasurer, a person holding a purely honorary office, or a person who has retired from the service of Government.

Resignation of Trustee. 5. Any Trustee, other than an *ex-officio* Trustee, may at any time resign his office, provided that his resignation shall not take effect until accepted by the Trust.

Term of office of Chairman. 6. The term of office of the Chairman shall ordinarily be three years, provided that he may be removed from office by the Local Government at any time.

Term of office of other Trustees. 7. Subject to the foregoing provisions the term of office of every Trustee elected under clause (c) of sub-section (1) of section 4 shall be three years or until he ceases to be a member of the municipal board, whichever period is less, and of every Trustee appointed under clause (d) of the said sub-section shall be three years.

Commencement of term of office of first Trustees. 8. (1) The term of office of the first nominated and elected Trustees shall commence on such date as shall be notified in this behalf by the Local Government.

(2) A person ceasing to be a member by reason of the expiry of his term of office shall, if otherwise qualified, be eligible for re-election or re-nomination.

Remuneration of Chairman. 9. No Trustee, other than the Chairman, shall receive any salary or other remuneration from the funds of the Trust. The Chairman shall receive such salary or remuneration as may be sanctioned by the Local Government.

Removal of Trustees. 10. (1) The Local Government may remove from the Trust any Trustee, other than an *ex-officio* Trustee, who—

- (a) refuses to act, or becomes incapable of acting, or absents himself for more than three consecutive months from the meetings of the Trust or of any committee of which he is a member and is unable to explain such absence to the satisfaction of the Trust, or
- (b) is an undischarged insolvent or has compounded with his creditors, or
- (c) has been sentenced by a Criminal Court to imprisonment for a term exceeding six months or to transportation, or has been ordered to find security for good behaviour under the ¹Code of Criminal Procedure, such sentence or order not ^{v of 1898.} having subsequently been reversed or remitted or the offender pardoned, or
- (d) has knowingly acquired or continued to hold without the permission in writing of the Local Government, directly or indirectly or by a partner, any share or interest in any contract or employment with, by, or on behalf of the Trust, or

- (e) has knowingly acted as a Trustee in a matter other than a matter referred to in clause (d) or (e) of sub-section (2) in which he or a partner had, directly or indirectly, a personal interest, or in which he was professionally interested on behalf of a client, principal or other person, or
- (f) has acted in contravention of section 17, or
- (g) being a legal practitioner, in any suit or other proceeding, acts or appears on behalf of any other person against the Trust, or acts or appears on behalf of any other person in any criminal proceeding instituted by or on behalf of the Trust.

(2) Provided that a person shall not be deemed for the purpose of sub-section (1) to acquire, or continue to have, any share or interest in a contract or employment by reason only of his—

- (a) having a share or interest in any lease, sale or purchase of land or buildings, or in any agreement for the same, provided that such share or interest was acquired before he became a Trustee, or
- (b) having a share in a joint stock company which shall contract with, or be employed by or on behalf of the Trust, or
- (c) having a share or interest in a newspaper in which an advertisement relating to the affairs of the Trust is inserted,
or
- (d) holding a debenture or otherwise being interested in a loan raised by or on behalf of the Trust, or
- (e) being retained by the Trust as a legal practitioner, or
- (f) having a share or interest in the occasional sale of an article in which he regularly trades to the Trust to a value not exceeding, in any one year, such amount as the Trust, with the sanction of the Local Government, may fix in this behalf.

(3) The Local Government may remove from the Trust a Trustee who in its opinion has so flagrantly abused in any manner his position as a Trustee as to render his continuance as a Trustee detrimental to the public interest.

(4) Provided that when the Local Government proposes to take action under the foregoing provisions of this section an opportunity of explanation shall be given to the Trustee concerned, and, when such action is taken the reasons therefor shall be placed on record.

11. (1) A Trustee removed under clause (a) or clause (c) of sub-section (1) of section 10, or under sub-section (3) of that section, shall not be

**Disabilities
of Trustees**

removed eligible for further election or nomination for a period of three years from
under section the date of his removal.
10.

(2) A Trustee removed under clause (b) of sub-section (1) of section 10 shall not be so eligible until he has obtained his discharge or has paid his creditors in full, as the case may be.

(3) A Trustee removed under any other provision of section 10 shall **not** be so eligible until he is declared to be no longer ineligible, and he may be so declared by an order of the Local Government.

Filling of
casual
vacancies.

12. (1) When the place of a Trustee appointed by the Local Government becomes vacant by his resignation, removal or death, the Local Government shall appoint a person to fill the vacancy.

(2) When the place of a Trustee elected under clause (c) of sub-section (1) of section 4 becomes vacant by his resignation, removal or death, the vacancy shall be filled, within two months of the existence of such vacancy being notified to the board by the Trust, in the manner provided by sub-section (4) of the same section, provided that if the municipal board fails to elect a qualified person to fill the vacancy within the period prescribed above, the provisions of sub-section (5) of section 4 shall apply.

(3) The term of office of a Trustee appointed or elected under this section shall be the remainder of the term of office of the Trustee in whose place he has been elected or appointed :

Provided that no person elected or appointed under sub-section (2) shall **continue to be a Trustee** after he has ceased to be a member of the municipal board, but he may so continue notwithstanding that the Trustee in whose place he was elected or appointed has ceased to be a member of the said board.

CHAPTER III.

PROCEEDINGS OF THE TRUST AND COMMITTEES.

Meetings
of Trust.

13. (1) The Trust shall meet together and shall from time to time make such arrangements not inconsistent with this Act, with respect to the place, day, hour, notice, management, and adjournment of such meetings, and generally with respect to the transaction of business, as it may think fit, subject to the following provisions, namely,—

(a) an ordinary meeting shall be held once at least in every month;

(b) the Chairman may, whenever he **thinks** fit, and shall, upon the written request of not less than two Trustees, call an **extra meeting**;

- (c) no business shall be transacted at any meeting unless at least three Trustees are present;
- (d) every meeting shall, if the Chairman be present, be presided over by him; if he is absent, by such one of the Trustees present as may be chosen by the meeting;
- (e) all questions shall be decided by a majority of votes of the Trustees present and voting, the person presiding having a second or casting vote in all cases of equality of votes;
- (f) if a poll be demanded, the names of the Trustees voting and the nature of their votes shall be recorded by the person presiding;
- (g) minutes shall be kept of the names of the Trustees present and of the proceedings at each meeting in a book to be provided for this purpose, which shall be signed at the next ensuing meeting by the person presiding at such meeting, and shall be open to inspection by any Trustee during office hours.

(2) No person shall be entitled to object to the minutes of any meeting unless he was present at the meeting to which they relate.

14. (1) The Trust may associate with itself, in such manner and for such period as may be prescribed by rules made under section 73, any persons whose assistance or advice it may desire in carrying out any of the provisions of the Act.

Temporary association of members with the Trust for particular purposes.

(2) A person associated with itself by the Trust under sub-section (1) for any purpose shall have a right to take part in the discussions of the Trust relative to that purpose, but shall not have a right to vote at a meeting of the Trust, and shall not be a member of the Trust for any other purpose.

15. (1) The Trust may from time to time appoint committees, consisting of such persons of any of the following classes as it may think fit, namely,—

Constitution and functions of committees.

- (i) Trustees;
- (ii) persons associated with the Trust under section 14;
- (iii) other persons whose assistance or advice the Trust may desire as members of committees;

provided that no committee shall consist of less than three persons.

(2) The Trust may—

- (a) refer to such committees, for enquiry and report, any matter relating to any of the purposes of this Act, and
- (b) delegate to such committees by specific resolution, and subject to any rules made under section 73, any of the powers or duties of the Trust.

(3) The Trust may at any time dissolve, or, subject to the provisions of sub-section (1), alter the constitution of, any such committee.

(4) Every such committee shall conform to any instructions from time to time given to it by the Trust.

(5) All proceedings of any such committee shall be subject to confirmation by the Trust.

Meeting of
committees.

16. (1) Committees appointed under section 15 may meet and adjourn as they think proper; but the Chairman may, whenever he thinks fit, call an extra meeting of any committee, and shall call an extra meeting of any committee upon the written request of not less than two members thereof.

(2) The Chairman may attend any meeting of a committee whether he is a member of such committee or not, and shall preside at every such meeting at which he is present; if he is absent, such one of the Trustees present as may be chosen by the meeting shall preside.

(3) All questions at any meeting of a committee shall be decided by a majority of votes of the members present and voting, the person presiding having a second or casting vote in all cases of equality of votes.

(4) No business shall be transacted at any meeting of a committee when either less than two members or less than one-fourth of the members constituting the committee are present.

Trustees
and associa-
ted members
of Trust or
committee
not to take
part in pro-
ceedings in
which they
are personally
interested.

17. (1) A Trustee who—

- (a) has, directly or indirectly, by himself or by any partner, employer or employé, any such share or interest as is described in sub-section (2) of section 10, in respect of any matter, or
- (b) has acted professionally, in relation to any matter, on behalf of any person having therein any such share or interest as aforesaid,

shall not vote or take any other part in any proceedings of the Trust or any committee relating to such matter.

(2) If any Trustee, or any person associated with the Trust under section 14, or any other member of a committee appointed under this Act, has, directly or indirectly, any beneficial interest in any land situated in an area comprised in any improvement scheme framed under this Act, or in any area in which it is proposed to acquire land for any of the purposes of this Act,—

- (i) he shall, before taking part in any proceeding at a meeting of the Trust or any committee relating to such area, inform the person presiding at the meeting of the nature of such interest,

- (d) he shall not vote at any meeting of the Trust or any committee upon any resolution or question relating to such land, and
 (e) he shall not take any other part in any proceeding at a meeting of the Trust or any committee relating to such area if the person presiding at the meeting considers it inexpedient that he should do so.

Officers and Servants.

18. (1) Subject to such rules as the Local Government may make prescribing the conditions under which members of the staff appointed by the Trust to offices requiring professional skill may be appointed, suspended or dismissed, a Trust may from time to time fix the number and salaries of such permanent servants as it may think necessary and proper to assist in carrying out the purposes of this Act.

Power of Trust to fix number and salaries of its servants

(2) The Chairman in cases of emergency may appoint such temporary servants as in his opinion may be required for the purposes of this Act, and may direct that the salaries of such temporary servants fixed as the emergency may require shall be paid from the Trust fund:

Appointment of temporary servants in cases of emergency.

Provided that—

- (i) he shall not act under this sub-section in contravention of any order of the Trust prohibiting the employment of temporary servants for any particular work, and
 (ii) every appointment made under this sub-section shall be reported at the next following meeting of the Trust.

19. Subject to the provisions of section 18 and to any rules for the time being in force, the power of appointing, promoting, and granting leave to officers and servants of the Trust, and reducing, suspending, or dismissing them for misconduct, and dispensing with their services for any reason other than misconduct, shall be vested—

Power of appointment, etc.

- (a) in the case of officers and servants whose monthly salary does not exceed three hundred rupees in the Chairman, and
 (b) in other cases in the Trust:

Provided that any officer or servant in receipt of a monthly salary exceeding one hundred rupees who is reduced, suspended, or dismissed by the Chairman may appeal to the Trust, whose decision shall be final.

20. The Chairman shall exercise supervision and control over the acts and proceedings of all officers and servants of the Trust; and, subject to the foregoing sections, shall dispose of all questions relating to the service of the said officers and servants and their pay, privileges, and allowances.

Control by Chairman.

Delegation
of certain of
Chairman's
functions.

21. (1) The Chairman may, by general or special order in writing, delegate to any officer of the Trust any of the Chairman's powers, duties or functions under this Act or any rule made thereunder, except those conferred or imposed upon or vested in him by sections 12, 16, 22, 46, and 95.

(2) The exercise or discharge by any officer of any powers, duties or functions delegated to him under sub-section (1) shall be subject to such conditions and limitations (if any) as may be prescribed in the said order, and also to control and revision by the Chairman.

Supply of information to Government.

Supply of
information
and docu-
ments to the
Government.

22. (1) The Chairman shall forward to the Local Government a copy of the minutes of the proceedings of each meeting of the Trust, within ten days from the date on which the minutes of the proceedings of such meeting were signed as prescribed in clause (g) of subsection (1) of section 13.

(2) If the Local Government so directs in any case, the Chairman shall forward to it a copy of all papers which were laid before the Trust for consideration at any meeting.

(3) The Local Government may require the Chairman to furnish it with—

- (a) any return, statement, estimate, statistics or other information regarding any matter under the control of the Trust, or
- (b) a report on any such matter, or
- (c) a copy of any document in the charge of the Chairman.

The Chairman shall comply with every such requisition without un-
reasonable delay.

CHAPTER IV.

IMPROVEMENT SCHEMES.

Matters to be
provided
for by im-
provement
scheme.

23. An improvement scheme may provide for all or any of the following matters:—

- (a) The acquisition by purchase, exchange, or otherwise of any property necessary for or affected by the execution of the scheme.
- (b) The re-laying out of any land comprised in the scheme.
- (c) The redistribution of sites belonging to owners of property comprised in the scheme.
- (d) The closure or demolition of dwellings or portions of dwellings unfit for human habitation.

- (e) The demolition of obstructive buildings or portions of buildings.
- (f) The construction and re-construction of buildings.
- (g) The sale, letting, or exchange of any property comprised in the scheme.
- (h) The construction and alteration of streets and back lanes.
- (i) The draining, water-supply, and lighting of streets so constructed or altered.
- (j) The provision of open spaces for the benefit of any area comprised in the scheme or any adjoining area, and for the enlargement of existing open spaces and approaches.
- (k) The sanitary arrangements required for the area comprised in the scheme, including the conservation and prevention of injury or contamination to rivers or other sources and means of water-supply.
- (l) The provision of accommodation for any class of the inhabitants.
- (m) The advance of money for the purposes of the scheme.
- (n) The provision of facilities for communication.
- (o) The reclamation or reservation of land for market gardens, afforestation, the provision of fuel and grass-supply, and other needs of the population.
- (p) Any other matter for which, in the opinion of the Local Government, it is expedient to make provision with a view to the improvement of any area in question or the general efficiency of the scheme.

24. An improvement scheme shall be of one of the following types or may combine any two or more of such types, or of any special features thereof, that is to say,—

Types of
improvement
schemes.

- (a) a general improvement scheme;
- (b) a re-building scheme;
- (c) a re-housing scheme;
- (d) a street scheme;
- (e) a deferred street scheme;
- (f) a development scheme;
- (g) a housing accommodation scheme; and
- (h) a town-expansion scheme.

25. Whenever it appears to the Trust—

General im-
provement
scheme.

- (a) that any buildings in any area which are used or are intended or likely to be used as dwelling-places are unfit for human habitation, or

(b) that danger to the health of the inhabitants of buildings in any area, or in any neighbouring buildings is caused by—

- (i) the narrowness, closeness, or bad arrangement and condition of streets or buildings or groups of buildings in such area, or
- (ii) the want of light, air, ventilation or proper convenience in such area, or
- (iii) any other sanitary defects in such area,

the Trust may pass a resolution to the effect that such an area is an insanitary area, and that a general improvement scheme ought to be framed in respect of such area, and may then proceed to frame such a scheme.

Re-building
scheme.

26. (1) When it appears to the Trust that any area is an insanitary area within the meaning of the preceding section and that, regard being had to the comparative value of the buildings in such area and of the sites on which they are erected, the most satisfactory method of dealing with the area or any part thereof is a re-building scheme, the Trust may frame a scheme in accordance with the provisions of this section.

(2) A re-building scheme may provide for—

- (a) the reservation of streets, back lanes, and open spaces and the enlargement of existing streets, back lanes, and open spaces to such an extent as may be necessary for the purposes of the scheme;
- (b) the re-laying out of the sites of the area upon such streets, back lanes, or open spaces so reserved or enlarged;
- (c) the payment of compensation in respect of any such reservation or enlargement, and the construction of the streets, back lanes, and open spaces so reserved or enlarged;
- (d) the demolition of the existing buildings and their appurtenances by the owners, or by the Trust in default of the owners, and the erection of buildings in accordance with the scheme by the said owners or by the Trust in default of the owners upon the sites as defined under the scheme;
- (e) the advance to the owners, upon such terms and conditions as to interest and sinking fund and otherwise as may be prescribed under the scheme, of such sums as may be necessary to assist them to erect new buildings in accordance with the scheme;
- (f) the acquisition by the Trust of any site or building comprised in the area included in the scheme.

Re-housing
scheme.

27. The Trust may frame schemes (herein called re-housing schemes) for the construction, maintenance, and management of such and so many

dwellings and shops as it may consider ought to be provided for persons who—

- (a) are displaced by the execution of any improvement scheme sanctioned under this Act, or
- (b) are likely to be displaced by the execution of any improvement scheme which it is intended to frame, or to submit to the Local Government for sanction under this Act.

28. (1) Whenever the Trust is of opinion that, for the purpose of— street
scheme.

- (a) providing building sites, or
- (b) remedying defective ventilation, or
- (c) creating new or improving existing means of communication and facilities for traffic, or
- (d) affording better facilities for conservancy,

it is expedient to lay out new streets or alter existing streets (including bridges, causeways, and culverts), the Trust may pass a resolution to that effect, and shall then proceed to frame a street scheme for such area as it may think fit.

(2) A street scheme may within the limits of the area comprised in the scheme provide for—

- (a) the acquisition of any land which will, in the opinion of the Trust, be necessary for its execution;
- (b) the re-laying out of all or any of the lands so acquired, including the construction and reconstruction of buildings by the Trust or by any other person and the laying-out, construction, and alteration of streets and thoroughfares;
- (c) the draining, water supply, and lighting of streets and thoroughfares so framed or altered;
- (d) the raising, lowering, or reclamation of any land vested in, or to be acquired by, the Trust for the purposes of the scheme;
- (e) the formation of open spaces for the better ventilation of the area comprised in the scheme;
- (f) the acquisition of any land adjoining any street, thoroughfare, or open space to be formed under the scheme.

29. (1) (a) Whenever the Trust is of opinion that it is expedient for Deferred
street scheme. any purpose mentioned in section 28 to provide for the ultimate widening of any street by altering the existing alignments of such street to improved alignments to be prescribed by the Trust, but that it is not expedient immediately to acquire all or any of the properties lying within the proposed improved alignments, the Trust, if satisfied of the sufficiency of its resources, may pass a resolution to that effect, and shall forthwith proceed

to make a scheme to be called a "deferred street scheme" prescribing an alignment on each side of such street.

(h) No person shall erect, re-erect, add to or alter any building or wall so as to make the same project beyond the prescribed alignment of the street except with the written permission of the Trust.

Particulars
to be pro-
vided for in a
deferred
street scheme.

(2) The deferred street scheme shall provide for—

- (a) the acquisition of the whole or any part of any property lying within the prescribed street alignments;
- (b) the re-laying-out of all or any such property including the construction and re-construction of buildings by the Trust or by any other person and the formation and alteration of the street;
- (c) the draining and lighting of the street so formed and altered.

(3) The owner of any property included in a deferred street scheme may, at any time after the scheme has been sanctioned by the Local Government, give the Trust notice requiring it to acquire such property before the expiration of six months from the date of such notice and the Trust shall acquire such property accordingly.

(4) Before proceeding to acquire any property within the limits of the scheme other than property regarding which it has received a notice under sub-section (3), the Trust shall give six months' notice to the owner of its intention to acquire the property.

(5) Upon the scheme being sanctioned by the Local Government and notwithstanding anything contained in the Municipalities Act,¹ the municipal board shall not have power to prescribe a regular line of the street within the limits of the scheme and any such regular line previously prescribed within such limits shall cease to be the regular line of the street. U. P. Act II,
of 1916.

Development
scheme.

30. (1) In regard to any area to which this Act is extended, the Trust may, from time to time, prepare a scheme of proposed public streets with plans showing the direction of such streets, the street alignment and building line on each side of them, their intended width and such other details as may appear desirable.

(2) When any such scheme has been notified under section 42 the street to which it refers shall be deemed to be a projected public street.

(3) If any person desires to erect, re-erect, add to or alter any building or wall so as to make the same project beyond the street alignment or building line shown in any plan so adopted, he shall apply to the Trust for permission to do so.

¹ *Supra*, Vol. II.

(4) If the Trust refuses to grant permission to any person to erect on his land any building or wall to project as aforesaid, and if it does not proceed to acquire such land within one year from the date of such refusal, it shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

(5) When any building, wall or part thereof projecting beyond or adjacent to the street alignment or building line shown in any plan adopted as aforesaid has fallen down, or been burnt down or taken down, the Chairman may, by written notice require or permit the same to be set back or forward, as the case may be, to or towards such street alignment or building line.

(6) When any building or wall is set back or forward in pursuance of a requisition made under sub-section (5), the Trust shall forthwith make full compensation to the owner of the building or wall for any damage that he may sustain thereby.

(7) If the additional land which will be included in the premises of any person required or permitted under sub-section (5) to set forward a building, wall or part thereof belongs to the Trust, the requisition or permission of the Chairman to set forward the building shall be a sufficient conveyance to the said owner of the said land; and the terms and conditions of the conveyance shall be set forth in the said requisition or permission.

(8) If, when the Chairman requires a building, wall or part thereof to be set forward, the owner thereof is dissatisfied with any of the terms or conditions of the conveyance, the Chairman shall, upon the application of the said owner at any time within fifteen days after the said terms and conditions are communicated to him, refer the case for the determination of the Tribunal, whose decision shall be final.

(9) Upon any scheme under this section being sanctioned by the Local Government and notwithstanding anything contained in the Municipalities Act,¹ the municipal board shall not have power to prescribe a regular line of the street within the limits of the scheme, and any such regular line previously prescribed within such limits shall cease to be the regular line of the street.

U. P. Act II
of 1916.

31. Whenever the Trust is of opinion that it is expedient and for the public advantage to provide housing accommodation for any class of the inhabitants of any area to which this Act is extended, the Trust may frame a scheme (to be called a "housing accommodation scheme") for the purpose aforesaid. Housing accommodation scheme.

32. (1) Whenever the Trust is of opinion that it is expedient and for the public advantage to control and provide for the future expansion of Town expansion scheme.

¹ *Supra*, Vol. II.

a municipality in any area to which this Act is extended, the Trust may frame a scheme (to be called a "town-expansion scheme").

(2) Such scheme shall show the method in which it is proposed to lay out the area to be developed and the purposes for which particular areas are to be utilized.

(3) For the purposes of a town expansion scheme the provisions of clause (a) of sub-section (2) of section 40 shall not be applicable, but the Trust shall be required to supply such details as the Local Government may consider necessary.

(4) When any such scheme has been notified under section 42, if any person desires to erect, re-erect, add to or alter any building or wall within the area comprised in the said scheme, he shall apply to the Trust for permission to do so.

(5) If the Trust refuses to grant permission to any person to erect, re-erect, add to or alter any building or wall on his land in the area aforesaid, and if it does not proceed to acquire such land within one year from the date of such refusal, it shall pay reasonable compensation to such person for any damage sustained by him in consequence of such refusal.

Procedure to be followed in framing improvement scheme.

Official representation.

33. (1) An improvement scheme may be framed upon an official representation by the municipal board or otherwise.

(2) An official representation referred to in sub-section (1) may be made by the municipal board—

- (a) on its own motion, or
- (b) on a written complaint by the health officer, or
- (c) in respect of any area comprised in a municipal ward, on a written complaint signed by twenty-five or more residents of such ward who are liable to pay any tax assessed upon the annual value of buildings or lands leviable under the Municipalities Act.¹

U. P. Act II
of 1916.

(3) If the municipal board decides not to make an official representation on any complaint made to it under clause (b) or clause (c) of sub-section (2), it shall cause a copy of such complaint to be sent to the Trust, with a statement of the reason for its decision.

Consideration of official representation.

34. (1) The Trust shall consider every official representation made under section 33 and if satisfied as to the truth thereof and as to the sufficiency of its resources, shall decide whether an improvement scheme to

¹ *Supra*, Vol. II.

carry such representation into effect should be framed forthwith or not and shall forthwith intimate its decision to the municipal board.

(2) If the Trust decides that it is not necessary or expedient to frame an improvement scheme forthwith, it shall inform the municipal board of the reasons for its decision.

(3) If the Trust fails, for a period of twelve months after the receipt of any official representation made under section 33, to intimate its decision thereon to the municipal board, or if the Trust intimates to the municipal board its decision that it is not necessary or expedient to frame an improvement scheme forthwith or decides to frame a scheme of a type other than that recommended by the board, the municipal board may, if it thinks fit, refer the matter to the Local Government.

(4) The Local Government shall consider every reference made to it under sub-section (3), and

- (a) if it considers that the Trust ought, in all the circumstances, to have passed a decision within the period mentioned in sub-section (3), shall direct the Trust to pass a decision within such further period as the Local Government may think reasonable, or
- (b) if it considers that it is, in all the circumstances, expedient that a scheme should forthwith be framed, shall direct the Trust to proceed forthwith to frame a scheme. Such a direction may prescribe the type of scheme to be framed.

(5) The Trust shall comply with every direction given by the Local Government under sub-section (4).

35. When framing an improvement scheme in respect of any area, regard shall be had to—

- (a) the nature and the conditions of neighbouring areas and of the town as a whole;
- (b) the several directions in which the expansion of the town appears likely to take place; and
- (c) the likelihood of improvement schemes being required for other parts of the town.

Matters to be considered when framing improvement schemes.

36. (7) When any improvement scheme has been framed, the Trust shall prepare a notice, stating—

- (a) the fact that the scheme has been framed,
- (b) the boundaries of the area comprised in the scheme, and
- (c) the place at which particulars of the scheme, a map of the area comprised in the scheme, and a statement of the land which it is proposed to acquire, may be seen at reasonable hours.

Preparation, publication and transmission of notice as to improvement schemes, and supply of documents to applicants.

(2) The Trust shall—

- (a) cause the said notice to be published weekly for three consecutive weeks in the Gazette and in a local newspaper or newspapers (if any) with a statement of the period within which objections will be received, and
- (b) send a copy of the notice to the Chairman of the municipal board.

(3) The Chairman shall cause copies of all documents referred to in clause (c) of sub-section (1) to be delivered to any applicant on payment of such fees as may be prescribed by rule under section 73.

Transmission to Trust of representation by municipal board as to improvement scheme.

37. The Chairman of any municipal board to whom a copy of a notice has been sent under clause (b) of sub-section (2) of sub-section 36 shall, within a period of sixty days from the receipt of the said copy, forward to the Trust any representation which the municipal board may think fit to make with regard to the scheme.

Notice of proposed acquisition of land.

38. (1) During the thirty days next following the first day on which any notice is published under section 36 in respect of any improvement scheme, the Trust shall serve a notice on—

- (a) every person whose name appears in the municipal assessment list as being primarily liable to pay any tax assessed upon the annual value of any building or land which it is proposed to acquire in executing the scheme, and
- (b) the occupier (who need not be named) of each premises, entered in the municipal assessment list which the Trust proposes to acquire in executing the scheme.

(2) Such notice shall—

- (a) state that the Trust proposes to acquire such land for the purposes of carrying out an improvement scheme, and
- (b) require such person, if he dissents from such acquisition, to state his reasons in writing within a period of sixty days from service of the notice.

(3) Every such notice shall be signed by, or by the order of, the Chairman.

Furnishing of copies or extracts from the municipal assessment book.

39. The Chairman of the municipal board shall furnish the Chairman of the Trust, at his request, with a copy of, or extracts from, the municipal assessment list on payment of such fees as may be prescribed by rule made under section 72.

Abandonment of im-

40. (1) After the expiry of the periods respectively prescribed under clause (a) of sub-section (2) of section 36, by section 37, and by clause (b)

of sub-section (2) of section 38, in respect of any improvement scheme, the Trust shall consider any objection, representation and statement of dissent received thereunder, and after hearing all persons making any such objection, representation or dissent, who may desire to be heard, the Trust may either abandon the scheme or apply to the Local Government for sanction to the scheme with such modifications (if any) as the Trust may consider necessary.

(2) Every application submitted under sub-section (1) shall be accompanied by—

- (a) a description of, and full particulars relating to, the scheme, and complete plans and estimates of the cost of executing the scheme;
- (b) a statement of the reasons for any modifications made in the scheme as originally framed;
- (c) a statement of objections (if any) received under section 36;
- (d) any representation received under section 37;
- (e) a list of the names of all persons (if any) who have dissented, under clause (b) of sub-section (2) of section 38, from the proposed acquisition of their land, and a statement of the reasons given for such dissent; and
- (f) a statement of the arrangements made or proposed by the Trust for the re-housing of persons likely to be displaced by the execution of the scheme, for whose re-housing provision is required.

(3) When any application has been submitted to the Local Government under sub-section (1), the Trust shall cause notice of the fact to be published for two consecutive weeks in the Gazette and in a local newspaper or newspapers (if any).

41. (1) The Local Government may sanction, either with or without modification, or may refuse to sanction, or may return for reconsideration, any improvement scheme submitted to it under section 40.

Power to sanction, reject or return improvement scheme.

(2) If a scheme returned for reconsideration under sub-section (1) is modified by the Trust, it shall be republished in accordance with section 36—

- (a) in every case in which the modification affects the boundaries of the area comprised in the scheme, or involves the acquisition of any land not previously proposed to be acquired, and
- (b) in every other case, unless the modification is, in the opinion of the Local Government, not of sufficient importance to require republication.

Notification
of sanction
of any im-
provement scheme.

42. (1) Whenever the Local Government sanctions an improvement scheme it shall announce the fact by notification, and, except in the case of a deferred street scheme, development scheme, or town expansion scheme, the Trust shall forthwith proceed to execute the same.

(2) The publication of a notification under sub-section (1) in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

Alteration of
an improvement
scheme after
sanction.

43. At any time after an improvement scheme has been sanctioned by the Local Government and before it has been carried into execution, the Trust may alter it:

Provided as follows:—

- (a) if any alteration is estimated to increase the estimated net cost of executing a scheme by more than Rs. 50,000 or 5 per cent. of such cost, such alteration shall not be made without the previous sanction of the Local Government;
- (b) if any alteration involves the acquisition, otherwise than by agreement, of any land the acquisition of which has not been sanctioned by the Local Government, the procedure prescribed in the foregoing sections of this Chapter shall, so far as applicable, be followed as if the alteration were a separate scheme.

Combination
of improve-
ment
schemes

44. Any number of areas in respect of which improvement schemes have been or are proposed to be framed, may at any time be included in one combined scheme.

CHAPTER V.

POWERS AND DUTIES OF THE TRUST WHERE A SCHEME HAS BEEN SANCTIONED.

Transfer to
Trust for
purposes of
improvement
scheme,
of building
or land
vested in
municipal
board.

45. (1) Whenever any building, or any street, square or other land, or any part thereof which is vested in the municipal board, is required for executing any improvement scheme, the Trust shall give notice accordingly to the Chairman of the municipal board, and such building, street, square, land or part shall thereupon vest in the Trust, subject in the case of any building to the payment to the municipal board of such sum as may be required to compensate it for actual loss resulting from the transfer thereof to the Trust.

(2) If any question or dispute arises as to the sufficiency of the compensation paid or proposed to be paid under sub-section (1), the matter shall be referred to the Local Government, whose decision shall be final.

46. (1) Whenever any street, or square or part thereof which is not vested in the municipal board is required for executing any improvement scheme, the Trust shall cause to be affixed, in a conspicuous place in or near such street, square or part, a notice signed by the Chairman—

Transfer of private street or square to Trust for purposes of improvement scheme.

- (a) stating the purpose for which the street, square or part is required, and
- (b) declaring that the Trust will, on or after a date to be specified in the notice, such date being not less than thirty days after the date of the notice, take over charge of such street, square or part from the owner thereof;

and shall simultaneously send a copy of such notice to the owner of such street, square or part.

(2) After considering and deciding all objections (if any) received in writing before the date so specified, the Trust may take over charge of such street, square or part from the owner thereof; and the same shall thereupon vest in the Trust.

(3) When the Trust alters or closes any street or square or part thereof which has vested in it under sub-section (2), it shall pay reasonable compensation to the previous owner for the loss of his rights therein.

(4) If the alteration or closing of any such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto, or to residents in the neighbourhood, the Trust—

- (i) shall forthwith provide some other reasonable means of access for the use of persons who were entitled to use such street, square or part as a means of access to any property or place, and
- (ii) if the provision of such means of access does not sufficiently compensate any such owner or resident for such damage or inconvenience, shall also pay him reasonable compensation in money.

47. (1) When any building, or any street, square or other land, or any part thereof, has vested in the Trust under section 45 or section 46, no municipal drain or water-work therein shall vest in the Trust until another drain or water-work (as the case may be), if required has been provided by the Trust, to the satisfaction of the municipal board, in place of the former drain or work.

Provision of drain or water-work to replace another situated on land vested in the Trust under section 45 or section 46.

(2) If any question or dispute arises as to whether another drain or water-work is required or as to the sufficiency of any drain or water work provided by the Trust under sub-section (1), the matter shall be referred to the Local Government, whose decisions shall be final.

Power of
Trust to
turn or close
public street
or square
vested in it.

48. (1) The Trust may—

- (a) turn, divert, discontinue the public use of, or permanently close, any public street vested in it, or any part thereof, or
- (b) discontinue the public use of, or permanently close, any public square vested in it, or any part thereof.

(2) Whenever the Trust discontinues the public use of, or permanently closes, any public street vested in it, or any part thereof, it shall pay reasonable compensation to every person who was entitled, otherwise than as a mere licensee, to use such street or part as a means of access and has suffered damage from such discontinuance or closing.

(3) Whenever the Trust discontinues the public use of, or permanently closes, any public square vested in it, or any part thereof, it shall pay reasonable compensation to every person—

- (a) who was entitled, otherwise than as a mere licensee, to use such square or part as a means of access, or
- (b) whose immoveable property was ventilated by such square or part,

and who has suffered damage—

- (i) in case (a) from such discontinuance or closing, or
- (ii) in case (b) from the use to which the Trust has put such square or part

(4) In determining the compensation payable to any person under sub-section (2) or sub-section (3), the Trust shall make allowance for any benefit accruing to him from the construction, provision or improvement of any other public street or square at or about the same time that the public street or square or part thereof, on account of which the compensation is paid, is discontinued or closed.

(5) When any public street or square vested in the Trust, or any part thereof, is permanently closed under sub-section (1), the Trust may sell or lease so much of the same as is no longer required.

Powers
under the
Municipali-
ties Act
vested in
the Trust.

49. (1) The provisions of sections 178 to 186, 189 to 194, 203 to 216, 218 to 224, 236, 256, 257, 261, 265, 266, 267, (except in respect of cleansing and disinfecting), 268 to 270 and 278 of the Municipalities Act¹ shall, so far as may be consistent with the tenor of this Act, apply to all areas in respect of which an improvement scheme is in force; and for the period during which such scheme remains in force all references in the said sections to the board or to the Chairman, or to any officer of the board, shall be construed as referring to the Trust which, in respect of any such areas, may alone exercise and perform all or any of the powers and func-

U. P. Act II
of 1916.

¹ *Supra*, Vol. II.

tions which under any of the said sections might have been exercised and performed by the board or by the Chairman or by any officer of the board:

Provided that the Trust may delegate to the Chairman or to any officer of the Trust all or any of the powers conferred by this section.

(2) The Trust may make byelaws for any area comprised in an improvement scheme which is outside the limits of the municipality—

- (a) generally for carrying out the purpose of this Act, and
- (b) in particular and without prejudice to the generality of the aforesaid powers the Trust may make byelaws regarding any of the matters referred to in section 298 of the Municipalities Act.¹

U. P. Act II
of 1916.

U. P. Act II
of 1916.

The provisions of sections 299 and 301 of the Municipalities Act¹ shall, so far as may be consistent with the tenor of this Act, be applicable to all byelaws made by a Trust under this sub-section, and all references in the said sections to the board shall be construed as referring to the Trust.

Facilities for movement of the population.

50. With a view to facilitating the movement of the population in and around any area to which this Act is applied, the Trust may from time to time,—

Power of the
Trust for
facilitating
movement of
the popu-
lation.

- (1) subject to any conditions it may think fit to impose,—
 - (a) guarantee the payment, from the funds at its disposal, of such sums as it may think fit, by way of interest on capital expended on the construction, maintenance or working of means of locomotion, or
 - (b) make such payments as it may think fit from the said funds, by way of subsidy to persons undertaking to provide, maintain, and work any means of locomotion, or
- (2) either singly or in combination with any other persons construct, maintain, and work any means of locomotion, under the provisions of any law applicable thereto, or
- (3) construct, or widen, strengthen or otherwise improve, bridges;

Provided that no guarantee or subsidy shall be made under sub-section (1), and no means of locomotion shall be constructed, maintained, or worked under sub-section (2), without the sanction of the Local Government.

¹ *Supra*, Vol. II.

Surveys.

Power to
make surveys
or contribute
towards
their cost.

51. The Trust may—

- (a) cause a survey of any land to be made, whenever it considers that a survey is necessary or expedient for carrying out any of the purposes of this Act, or
- (b) contribute towards the cost of any such survey made by any other local authority.

Power of entry.

Power
of entry.

52. (1) The Chairman may, with or without assistants or workmen, enter into or upon any land, in order—

- (a) to make any inspection, survey, measurement, valuation or enquiry,
- (b) to take levels,
- (c) to dig or bore into the sub-soil,
- (d) to set out boundaries and intended lines of work,
- (e) to mark such levels, boundaries, and lines by marks and cutting trenches, or
- (f) to do any other thing,

whenever it is necessary to do so for any of the purposes of this Act or any rule made or scheme sanctioned hereunder or any scheme which the Trust intends to frame hereunder :

Provided as follows :—

- (a) except when it is otherwise specially provided by a rule no such entry shall be made between sunset and sunrise ;
- (b) except when it is otherwise specially provided by a rule no building which is used as a human dwelling shall be so entered, unless with the consent of the occupier thereof, without giving the said occupier at least twenty-four hours previous written notice of the intention to make such entry ;
- (c) sufficient notice shall in every instance be given, even when any premises may otherwise be entered without notice to enable the inmates of any apartment appropriated to females to remove to some part of the premises where their privacy need not be disturbed :
- (d) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the premises entered.

(2) Whenever the Chairman enters into or upon any land in pursuance of sub-section (1), he shall at the time of such entry pay or tender payment for all necessary damage to be done as aforesaid; and, in case of dispute as to the sufficiency of the amount so paid or tendered, he shall at once refer the dispute to the Trust, whose decision shall be final.

(3) It shall be lawful for any person authorized under sub-section (1) to make an entry for the purpose of inspection or search to open or cause to be opened a door, gate or other barrier—

- (a) if he considers the opening thereof necessary for the purpose of such entry, inspection or search, and
- (b) if the owner or occupier is absent, or being present refuses to open such door, gate or barrier.

53. (1) If any question or dispute arises—

Reference of
disputes to
Tribunal.

- (a) between the Trust and the previous owner of any street or square or part thereof which has vested in the Trust under section 46 and has been altered or closed by it, as to the sufficiency of the compensation paid or proposed to be paid under sub-section (2) of that section, or
- (b) between the Trust and any person who was entitled otherwise than as a mere licensee, to use as a means of access any street or part thereof which has vested in the Trust under section 46—
 - (i) as to whether the alteration or closing of such street, square or part causes damage or substantial inconvenience to owners of property adjacent thereto or to residents in the neighbourhood, or
 - (ii) as to whether the other means of access provided or proposed to be provided under sub-section (4) of the said section 46 are reasonably sufficient, or
 - (iii) as to the sufficiency of any compensation paid or proposed to be paid under the said sub-section (4), or
- (c) between the Trust and any person as to the sufficiency of any compensation paid or proposed to be paid to him under section 26, 30, 32, 48 or 101, the matter shall be determined by the Tribunal, if referred to it either by the Trust or by the claimant within a period of three months from the date on which the said person was informed of the decision of the Trust fixing the amount of compensation to be paid to him or of the rejection of his claim to compensation by the Trust, and the determination of the Tribunal shall be final:

Provided that the Tribunal shall not entertain the application of any claimant who has not applied to the Trust for compensation within three months of the date on which his claim to compensation accrued.

(2) If a reference to the Tribunal be not made within the period prescribed by sub-section (1), the decision of the Trust shall be final.

(3) For the purpose of determining any matter referred to it under sub-section (1), the Tribunal shall have all the powers with regard to witnesses, documents, and costs which it would have if the ¹Land Acquisition Act, 1894, as modified by section 58 of this Act, were applicable to the case.

Vesting in municipal board of streets laid out or altered, and open spaces provided by the Trust under an improvement scheme.

54. (1) Whenever the municipal board is satisfied—

- (a) that any street laid out or altered by the Trust has been duly levelled, paved, metalled, flagged, channelled, sewered, and drained in the manner provided in the plans sanctioned by the Local Government under this Act, and
- (b) that such lamps, lamp-posts, and other apparatus as the municipal board may consider necessary for the lighting of such street and as ought to be provided by the Trust have been so provided, and
- (c) that water and other sanitary conveniences ordinarily provided in a municipality have been duly provided in such street,

the municipal board, after obtaining the assent of the Trust, or failing such assent, the assent of the Local Government under sub-section (3), shall by a written notice affixed in some conspicuous position in such street, declare the street to be a public street; and the street shall thereupon vest in the municipal board, and shall thenceforth be maintained, kept in repair, lighted, and cleansed by the municipal board.

(2) When any open space for purposes of ventilation or recreation has been provided by the Trust in executing any improvement scheme, it shall, on completion, be transferred to the municipal board by resolution of the Trust and shall thereupon vest in, and be maintained at the expense of, the municipal board:

Provided that the municipal board may require the Trust, before any such open space is so transferred, to enclose, level, turf, drain, and lay out such space and provide footpaths therein, and, if necessary, to provide lamps and other apparatus for lighting it.

(3) If any difference of opinion arises between the Trust and the municipal board in respect of any matter referred to in the foregoing provisions of this section, the matter shall be referred to the Local Government, whose decision shall be final.

CHAPTER VI.

ACQUISITION AND DISPOSAL OF LAND.

Acquisition by Agreement.

55. The Trust may enter into an agreement with any person for the purchase, leasing or exchange by the Trust from such person of any land which the Trust is authorized to acquire, or any interest in such land.

Power to purchase or lease by agreement.

Compulsory Acquisition.

I of 1894.

56. The Trust may, with the previous sanction of the Local Government, acquire land under the provisions of the ¹Land Acquisition Act, 1894, as modified by the provisions of this Act, for carrying out any of the purposes of this Act.

Power to acquire land under the Land Acquisition Act, 1894.

I of 1894.

57. A Tribunal shall be constituted, as provided in section 59, for the purpose of performing the functions of the Court in reference to the acquisition of land for the Trust, under the ¹Land Acquisition Act, 1894.

Tribunal to be constituted.

58. For the purpose of acquiring land under the said Act for the Trust,—

Modification of the Land Acquisition Act, 1894.

(a) the Tribunal shall (except for the purposes of section 54 of that Act) be deemed to be the court, and the President of the Tribunal shall be deemed to be the Judge, under the said Act;

(b) the said Act shall be subject to the further modifications indicated in the Schedule;

V of 1908.

(c) the President of the Tribunal shall have power to summon and enforce the attendance of witnesses, and to compel the production of documents, by the same means, and (so far as may be) in the same manner, as is provided in the case of a Civil Court under the ²Code of Civil Procedure, 1908; and

I of 1894.

(d) the award of the Tribunal shall be deemed to be the award of the Court under the said ¹Land Acquisition Act, 1894, and shall be final.³

59. (1) The Tribunal shall consist of a President and two assessors.

Constitution of Tribunal.

(2) The President of the Tribunal shall be either—

(a) a member of the Judicial branch of the Imperial or Provincial Civil Service, of not less than ten years' standing in such

¹ Genl. Acts, Vol. IV.

² Genl. Acts, Vol. VI.

³ But s 3 of the United Provinces Town Improvement (Appeals) Act 1920 (3 of 1920), *Supra*, Vol. I, provides for appeal to the High Court.

service, who has for at least three years served as District Judge or held judicial office not inferior to that of a Subordinate Judge of the first grade; or

- (b) a barrister, advocate or pleader of not less than ten years' standing who has practised as an advocate or pleader in the High Court of Judicature at Allahabad or the Court of the Judicial Commissioner of Oudh.

(3) The President of the Tribunal and one of the assessors shall be appointed by the Local Government, and the other assessor shall be appointed by the municipal board, or in default of appointment by the municipal board within two months of their being asked by the Local Government to make such appointment, by the Local Government.

Provided that no person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or would, if he were a Trustee, be liable to removal by the Local Government under section 10.

(4) The term of office of each member of the Tribunal shall be two years; but any member shall, subject to the proviso to sub-section (3), be eligible for re-appointment at the end of that term.

(5) The Local Government may, on the ground of incapacity or misbehaviour, or for any other good and sufficient reason, cancel the appointment of any person as member of the Tribunal.

(6) When any person ceases for any reason to be a member of the Tribunal, or when any member is temporarily absent in consequence of illness or any unavoidable cause, the authority which appointed him shall forthwith appoint a fit person to be a member in his place. Where the authority so appointing was the municipal board and the municipal board fails to make a fresh appointment within two months of being asked to do so by the Local Government, the appointment may be made by the Local Government.

Remuneration of members of Tribunal.

60. Each member of the Tribunal shall be entitled to receive such remuneration, either by way of monthly salary or by way of fees, or partly in one of those ways and partly in the other, as the Local Government may prescribe.

Officers and servants of Tribunal.

61. (1) The President of the Tribunal shall, from time to time, prepare a statement showing—

- (a) the number and grades of the clerks and other officers and servants who he considers should be maintained for carrying on the business of the Tribunal,
- (b) the amount of the salary to be paid to each such officer and servant.

(2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the Local Government.

(3) Subject to any directions contained in any statement prepared under sub-section (1), and to rules made under section 72, the power of appointing, promoting, and granting leave to officers and servants of the Tribunal, and the power of reducing, suspending or dismissing them, shall vest in the President of the Tribunal.

62. The remuneration prescribed under section 60 for members of the Tribunal, and the salaries, leave allowances and acting allowances prescribed under this Act for officers and servants of the Tribunal, shall be paid by the Trust to the President of the Tribunal for distribution. Mode of payment.

63. (1) The Local Government may from time to time make rules, not repugnant to the Code of Civil Procedure, 1908, for the conduct of business by Tribunals established under this Act. Power to make rules for Tribunal.

(2) All such rules shall be published by notification.

64. (1) For the purpose of determining the award to be made by the Tribunal under the Land Acquisition Act, 1894, - Award of Tribunal how to be determined.

(a) if there is any disagreement as to the measurement of land, or the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail;

(b) questions relating to the determination of the persons to whom compensation is payable, or the apportionment of compensation, may be tried and decided in the absence of the assessors if the President of the Tribunal considers their presence unnecessary: and, when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal; and

(c) notwithstanding anything contained in the foregoing clauses, the decision on all questions of law and procedure shall rest solely with the President of the Tribunal.

(2) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by a Court of Small Causes within the local limits of whose jurisdiction it was made as if it were a decree of that Court.

Disposal of Land.

65. Subject to any rules made by the Local Government under section 72 of this Act, the Trust may retain or may let on hire, lease, sell, Power to dispose of land.

¹ Genl. Acts, Vol. VI.

² Genl. Acts, Vol. IV.

³ An appeal lies to the High Court from decisions of the President under clause (b)—see s. 3 (f) (a) of Act 3 of 1920, *Supra*, Vol. I.

exchange or otherwise dispose of, any land vested in or acquired by it under this Act.

Application
of Act to ac-
quisition by
other local
authorities.

66. (1) Whenever a municipal board or other local authority acquires land for any of the purposes mentioned in clauses (a) and (c) of sub-section (1) of section 8 of the ¹Municipalities Act—

U. P. Act I²
of 1916.

(a) the modifications of the ²Land Acquisition Act contained in the I of 1894 Schedule of this Act shall, so far as they are applicable, apply to every such acquisition;

(b) the Local Government may constitute a Tribunal in accordance with section 59, and the provisions of sections 56 to 64, and of section 72 so far as they relate to the Tribunal, shall there-upon apply to such acquisition.

(2) If the Local Government does not constitute a Tribunal in accordance with clause (b) of sub-section (1), all references to the Tribunal in the Schedule shall be construed as referring to the Court.

CHAPTER VII.

FINANCE.

Powers of
Trust to
borrow
money

67. A Trust as defined in this Act shall be deemed to be a local authority, as defined in the ³Local Authorities Loans Act, 1914, for the IX of 1914 purpose of borrowing money under that Act, and the making and execution of any improvement scheme mentioned in this Act shall be deemed to be a work which such local authority is legally authorised to carry out.

Custody
and invest-
ment of Trust
funds.

68. (1) In places where there is a Government treasury or sub-treasury, or a bank to which the Government treasury business has been made over, all moneys at the credit of the Trust shall be kept in such treasury, sub-treasury or bank.

(2) In places where there is no such treasury or sub-treasury or bank, such moneys may be kept with a banker or person acting as a banker, who has given such security for the safe custody and repayment on demand of the sum so kept as the Local Government may in each case think sufficient.

(3) Provided that nothing in the foregoing provisions of this section shall be deemed to preclude a Trust from, with the previous sanction of the Local Government, investing any such moneys which are not required for immediate expenditure in any of the securities described in section 20

¹ *Supra*, Vol. II.

² *Genl. Acts*, Vol. IV.

³ *Genl. Acts*, Vol. VIII.

II of 1882. of the ¹Indian Trusts Act, 1882, or placing them in fixed deposit with a Presidency Bank.

69. (1) If the Trust fails to repay any loan taken in pursuance of section 67, or any interest or costs due in respect thereof, according to the conditions of the loan, the Accountant-General of the United Provinces shall make such payment;

Procedure if the Trust fails to make any payment in respect of loans of the Trust.

and the Chairman of the municipal board shall forthwith pay from the municipal fund to the said Accountant-General a sum equivalent to the sum so paid by him;

IX of 1914. and the Local Government may attach the rents and other income of the Trust; and thereupon the provisions of section 5 of the ²Local Authorities Loans Act, 1914, shall, with all necessary modifications, be deemed to apply.

(2) Whenever the Chairman of a municipal board has made any payment to the Accountant-General under sub-section (1), the Local Government shall, so far as possible, reimburse the municipal board out of the rents and income attached under that sub-section.

70. If the Chairman of a municipal board fails to make any payment as required by section 69 the Local Government may attach the municipal fund;

Procedure if Chairman of board fails to make any payment due to Accountant-General.

IX of 1914. and thereupon the provisions of section 5 of the ²Local Authorities Loans Act, 1914, shall, with all necessary modifications, be deemed to apply, and the Local Government may further require the municipal board to impose or increase the rate of the tax on the annual value of buildings or lands or of both described in section 128 (7) (i) of the ³Municipalities Act, to such extent as may be necessary for the purpose of making such payment.

U. P. Act
II of 1916.

71. All moneys paid by the Chairman of the municipal board under sub-section (7) of section (69) and not reimbursed by the Local Government under sub-section (2) of that section, and all moneys payable under sub-section (1) of section 69 and levied under section 70, shall constitute a charge upon the property of the Trust.

Payments under section 69 to be a charge on the property of the Trust.

CHAPTER VIII.

RULES.

72. (1) In addition to the power conferred by section 63, the Local Government may make rules consistent with this Act and applicable to all or any Trust--

Power of Local Government to make rules

(a) as to the authority on which money may be paid from the Trust funds.

¹ Genl. Acts, Vol. III.

² Genl. Acts, Vol. VIII.

³ *Supra*, Vol. II.

- (b) for prescribing the fees payable for a copy of, or extracts from, the municipal assessment list furnished to the Chairman under section 39,
 - (c) as to the conditions on which officers and servants of the Trust appointed to offices requiring professional skill may be appointed, suspended or dismissed,
 - (d) as to the intermediate office or offices (if any) through which correspondence between the Trust and the Local Government or officers of that Government shall pass,
 - (e) as to the accounts to be kept by the Trust, as to the manner in which such accounts shall be audited and published, and as to the powers of auditors in respect of disallowance and surcharge,
 - (f) as to the authority by whom, the conditions subject to which and the mode in which contracts may be entered into and executed on behalf of the Trust,
 - (g) as to the preparation of estimates of income and expenditure of the Trust and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned,
 - (h) as to the returns, statements and reports to be submitted by Trusts,
 - (i) to prescribe and define the mutual relations to be observed between the Trust and other local authorities in any matter in which they are jointly interested,
 - (j) for regulating the grant of leave of absence, leave allowances and acting allowances to the officers and servants of the Trust and of the Tribunal,
 - (k) for establishing and maintaining a provident or annuity fund, for compelling all or any of the officers in the service of the Trust or of the Tribunal (other than any servant of the Government in respect of whom a contribution is paid under section 93) to contribute to such fund at such rates and subject to such conditions as may be prescribed by such rules **and for supplementing such contributions out of the funds of the Trust:**
- Provided that a Government servant employed as officer or servant of the Tribunal shall not be entitled to leave or leave allowances otherwise than as may be prescribed in any general or special orders of the Government,
- (l) for determining conditions under which the officers and servants of the Trust or of the Tribunal, or any of them, shall on retirement receive gratuities or compassionate allowances and

the amount of such gratuities and compassionate allowances :

Provided that it shall be at the discretion of the Trust or of the Tribunal, as the case may be, to determine whether all such officers and servants or any, and, if so, which of them, shall become entitled on retirement to any such gratuities or compassionate allowances as aforesaid,

- (n) generally for the guidance of Trusts and public officers in all matters connected with the carrying out of the provisions of this Act. •

(2) The power of the Local Government to make rules under this section is subject to the condition of the rules being made after previous publication and of their not taking effect until they have been published in the Gazette.

73. Every Trust may from time to time with the previous sanction of the Local Government make rules consistent with this Act and with any rules made under this Act by the Local Government—

Power of the Trust to make rules.

- (a) for fixing the amount of security to be furnished by any officer and servant of the Trust from whom it may be deemed expedient to require security,
- (b) for associating members with the Trust under section 14,
- (c) for appointing persons (other than Trustees and persons associated with the Trust under section 14) to be members of committees under section 15,
- (d) for regulating the delegation of powers or duties of the Trust to committees or to the Chairman,
- (e) for the guidance of persons employed by it under this Act,
- (f) for prescribing the fees payable for copies of documents delivered under sub-section (3) of section 36 or under section 74,
- (g) for the management, use, and regulation of dwellings constructed under any improvement scheme,
- (h) generally for carrying out the purposes of this Act.

74. (1) The Chairman shall cause all rules made under section 72 or section 73 and for the time being in force to be printed and shall cause printed copies thereof to be delivered to any applicant on payment of such fee as may be prescribed.

Printing and sale of copies of rules.

(2) Notice of the fact of copies of rules being obtainable at the said price and of the place where and the person from whom the same are obtainable shall be given by the Chairman by advertisement in a local newspaper or newspapers (if any).

Power of
Local
Government
to cancel
rules made
under sec-
tion 73.

75. The Local Government may, after previous publication of its intention, rescind any rule made by the Trust which it has sanctioned, and thereupon the rule shall cease to have effect.

CHAPTER IX.

PROCEDURE AND PENALTIES.

Signature and service of notices or bills.

Stamping
signature
on notices
or bills

76. Every notice or bill which is required under this Act to bear the signature of the Chairman or of any other Trustee or of any officer or servant of the Trust shall be deemed to be properly signed if it bears a *fac-simile* of the signature of the Chairman or of such other Trustee or of such officer or servant, as the case may be, stamped thereupon.

Method
of giving
public
notice.

77. Subject to the provisions of this Act, every public notice required under this Act shall be deemed to have been given if it is published in some local newspaper (if any) and posted upon a notice board to be exhibited for public information at the building in which the meetings of the Trust are ordinarily held.

Service of
notice.

78. (1) Every notice other than a public notice, and every bill, issued under this Act, shall, unless it is under this Act otherwise expressly provided, be served or presented—

- (a) by giving or tendering the notice or bill or sending it by post, to the person to whom it is addressed, or
- (b) if such person is not found, then by leaving the notice or bill at his last known place of abode, if within municipal limits, or by giving or tendering it to some adult male member or servant of his family, or by causing it to be fixed on some conspicuous part of the building or land (if any) to which it relates.

(2) When a notice is required or permitted under this Act to be served upon an owner or occupier of a building or land, it shall not be necessary to name the owner or occupier therein, and the service thereof, in cases not otherwise specially provided for in this Act, shall be effected either—

- (a) by giving or tendering the notice, or sending it by post, to the owner or occupier, or if there be more owners or occupiers than one, to any one of them, or
- (b) if no such owner or occupier is found, then by giving or tendering the notice to an adult male member or servant of his

family, or by causing the notice to be fixed on some conspicuous part of the building or land to which the same relates.

(3) Whenever the person on whom a notice or bill is to be served is a minor, service upon his guardian or upon an adult male member or servant of his family shall be deemed to be service upon the minor.

79. Where under this Act or a notice issued thereunder the public or a person is required to do or to restrain from doing anything, a person who fails to comply with such requisition shall, if such failure is not an offence punishable under any other section, be liable on conviction by a Magistrate to a fine not exceeding five hundred rupees for every such failure, and in the case of a continuing breach, to a further fine which may extend to five rupees for every day after the date of the first conviction during which the offender is proved to have persisted in the breach.

80. If a notice has been given under this Act to a person requiring him to execute a work in respect of any property, moveable or immovable, public or private, or to provide or do or refrain from doing anything within a time specified in the notice, and if such person fails to comply with such notice, then the Trust may cause such work to be executed or such thing to be provided or done, and may recover all expenses incurred by it on such account from the said person in the manner provided by Chapter VI of the Municipalities Act.¹

U.P. Act II
of 1918.

81. (1) If the person to whom the notice mentioned in section 80 has been given is the owner of the property in respect of which it is given, the Trust may (whether any action or other proceeding has been brought or taken against such owner or not) require the person (if any) who occupies such property or a part thereof under such owner, to pay to the Trust instead of to the owner the rent payable by him in respect of such property, as it falls due up to the amount recoverable from the owner under section 80; and any such payment made by the occupier to the Trust shall, in the absence of any contract between the owner and the occupier to the contrary, be deemed to have been made to the owner of the property.

(2) For the purpose of deciding whether action should be taken under sub-section (1), the Trust may require an occupier of property to furnish information as to the sum payable by him as rent on account of such property and as to the name and address of the person to whom it is payable; and if the occupier refuses to furnish such information he shall be liable for the whole of the expenses as if he were the owner.

(3) All money recoverable by the Trust under this section shall be recoverable in the manner provided by Chapter VI of the Municipalities Act.¹

U. P. Act II
of 1918.

¹ *Supra*, Vol. II.

Right of
occupier to
execute
works in
default of
owner.

82. Whenever default is made by the owner of a building or land in the execution of a work required under this Act to be executed by him, the occupier of such building or land may, with the approval of the Trust, cause such work to be executed, and the expense thereof shall, in the absence of any contract to the contrary, be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner.

Procedure
upon oppo-
sition to
execution by
occupier.

83. (1) If, after receiving information of the intention of the owner of any building or land to take any action in respect thereof in compliance with a notice issued under this Act, the occupier refuses to allow such owner to take such action, the owner may apply to a Magistrate.

(2) The Magistrate upon proof of such refusal may make an order in writing requiring the occupier to allow the owner to execute all such works, with respect to such building or land, as may be necessary for compliance with the notice, and may also, if he thinks fit, order the occupier to pay to the owner the costs relating to such application or order.

(3) If, after the expiration of eight days from the date of the Magistrate's order, the occupier continues to refuse to allow the owner to execute such work, the occupier shall be liable, upon conviction, to a fine which may extend to twenty-five rupees for every day during which he has so continued to refuse.

(4) Every owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Recovery
of cost of
work by the
occupier.

84. When the occupier of a building or land has, in compliance with a notice issued under this Act, executed a work for which the owner of such building or land is responsible, either in pursuance of the contract of tenancy or by law, he shall, in the absence of any contract to the contrary, be entitled to recover from the owner by deduction from the rent payable by him or otherwise the reasonable cost of such work.

Recovery of
expenses of
removal
by Trust.

85. The expenses incurred by the Trust in effecting any removal under section 265 of the Municipalities Act¹ as applied by section 49 of this Act, or, in the event of a written notice under section 278 of that Act not being complied with, under section 80 of this Act, shall be recoverable by sale of the materials removed, and if the proceeds of such sale do not suffice, the balance shall be recoverable from the owner of the said materials in the manner provided by Chapter VI of the Municipalities Act.¹

U. P. Act
II of 1916.

Relief to
agents and
trustees.

86. (1) When a person, by reason of his receiving, or being entitled to receive, the rent of immoveable property as trustee or agent of a person or society would, under this Act, be bound to discharge an obligation im-

posed by this Act on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

(2) When an agent or trustee has claimed and established his right to relief under this section, the Trust may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which come to his hands on behalf, or for the use, of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

U. P. Act II
of 1913

87. Whenever in this Act or in any section of the 'Municipalities Act' made applicable by section 49 of this Act, it is provided that any sum shall be recoverable in the manner provided by Chapter VI of the 'Municipalities Act', then in applying the provisions of that Chapter all references to the board shall be construed as referring to the Trust and all references to the municipal office, a municipal officer or the municipal fund shall be construed as referring to the office of the Trust, to an officer of the Trust and the funds of the Trust, respectively.

Application
of Chapter
VI, Municipalities Act

88. If any person, without lawful authority,—

- (a) removes any fence, or any timber used for propping or supporting any building, wall or other thing, or extinguishes any light set up at any place where the surface of a street or other ground has been opened or broken up by the Trust for the purpose of carrying out any work, or
- (b) infringes any order given, or removes any bar, chain or post fixed by the Trust for the purpose of closing any street to traffic,

Penalty for removing fence, etc., in street.

he shall be punishable with fine which may extend to fifty rupees.

89. If any person without the permission of the Trust erects, re-erects, adds to or alters any building or wall so as to make the same project beyond the street alignment prescribed under section 29 or the street alignment or building line shown in any plan finally adopted by the Trust under section 30, or erects, re-erects, adds to or alters any building or wall in the area specified in sub-section (d) of section 32, the Chairman of the Trust may, by a written notice,—

Power to prevent or demolish building in contravention of sections 29, 30 and 32.

- (a) direct that the building, alteration or addition be stopped, and
- (b) require such building, alteration or addition to be altered or demolished as he may deem necessary.

Penalty for obstructing contractor or removing mark.

90. If any person—

- (a) obstructs, or molests any person with whom the Trust has entered into a contract, in the performance or execution by such person of his duty or of anything which he is empowered or required to do under this Act, or
- (b) removes any mark set up for the purpose of indicating any level or direction necessary to the execution of works authorized under this Act,

he shall be punishable with fine which may extend to two hundred rupees or with imprisonment for a term which may extend to two months.

Disposal of fines and damages.

Fines and damages to be paid to Trust

91. All fines and damages realized in connection with prosecutions under this Act shall be paid to the Trust.

CHAPTER X.

SUPPLEMENTAL PROVISIONS.

Trustees, etc., deemed public servants.

92. Every trustee, and every officer and servant of the Trust, and every member and officer and servant of the Tribunal, shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.¹

XLV of 1861.

Contributions towards leave allowances and pensions of Government servants.

Contributions by Trust towards leave allowances and pensions of Government servants.

93. The Trust shall be liable to pay such contributions for the leave allowances and pension of any Government servant employed as Chairman or as an officer or servant of the Trust, or as a member or officer or servant of the Tribunal, as may be prescribed in any general or special orders of the Government.

Legal Proceedings.

Authority for prosecutions.

94. Unless otherwise expressly provided, no Court shall take cognizance of any offence punishable under this Act, except on the complaint of, or upon information received from, the Trust or some person authorized by the Trust by general or special orders in this behalf.

Powers of Chairman as to institution, etc., of legal proceedings and obtaining legal advice.

95. The Chairman may, subject to the control of the Local Government—

- (a) institute, defend or withdraw from legal proceedings under this Act,

¹ Genl. Acts, Vol. I.

- (b) compound any offence against this Act,
- (c) admit, compromise or withdraw any claim made under this Act, and
- (d) obtain such legal advice and assistance as he may from time to time think it necessary or expedient to obtain, or as he may be desired by the Trust to obtain, for any of the purposes referred to in the foregoing clauses of this section, or for securing the lawful exercise or discharge of any power or duty vested in or imposed upon the Trust or any officer or servant of the Trust.

96. No suit shall be maintainable against the Trust, or any trustee, or any officer or servant of the Trust, or any person acting under the direction of the Trust or of the Chairman or of any officer or servant of the Trust in respect of anything lawfully and in good faith and with due care and attention done under this Act. Indemnity to Trust, etc.

97. (1) No suit shall be instituted against the Trust or any Trustee, or any person associated with the Trust under section 14 or any member of a committee appointed under section 15, or any officer or servant of the Trust, or any person acting under the direction of the Trust or of the Chairman or of any officer or servant of the Trust, in respect of an act purporting to be done under this Act, until the expiration of two months next after notice in writing has been, in the case of a Trust, left at its office, and in any other case delivered to or left at the office or place of abode of the person to be sued, explicitly stating the cause of action, the nature of the relief sought, the amount of compensation claimed and the name and place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left. Notice of suit, against Trust, etc

(2) If the Trust or other person referred to in sub-section (1) shall before the action is commenced have tendered sufficient amends to the plaintiff, the plaintiff shall not recover any sum in excess of the amount so tendered and shall also pay all costs incurred by the defendant after such tender.

(3) No action such as is described in sub-section (1) shall, unless it is an action for the recovery of immoveable property or for a declaration of title thereto, be commenced otherwise than within six months next after the accrual of the cause of action.

(4) Provided that nothing in sub-section (1) shall be construed to apply to a suit wherein the only relief claimed is an injunction of which the object would be defeated by the giving of the notice or the postponement of the commencement of the suit or proceeding.

Evidence.

Mode of proof
of Trust
records.

98. A copy of any receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Trust shall, if duly certified by the legal keeper thereof or other person authorized by the Trust in this behalf, be received as *prima facie* evidence of the existence of the entry or document and shall be admitted as evidence of the matters and transactions therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters. .

Restriction
on the sum-
moning of
Trust ser-
vants to
produce
documents.

99. No trustee or officer or servant of the Trust shall in any legal proceeding to which the Trust is not a party be required to produce any register or document the contents of which can be proved under the preceding section by a certified copy, or to appear as a witness to prove the matters and transactions recorded therein, unless by order of the Court made for special cause.

Validation.

Validation of
acts and
proceedings.

100. (1) No act done or proceeding taken under this Act shall be questioned on the ground merely of—

- (a) the existence of any vacancy in, or any defect in the constitution of, the trust or any committee; or
- (b) any person having ceased to be a trustee; or
- (c) any Trustee, or any person associated with the Trust under section 14 or any other member of a committee appointed under this Act having voted or taken any part in any proceeding in contravention of section 17; or
- (d) the failure to serve a notice on any person, where no substantial injustice has resulted from such failure; or
- (e) any omission, defect or irregularity not affecting the merits of the case.

(2) Every meeting of the Trust, the minutes of the proceedings of which have been duly signed as prescribed in clause (g) of sub-section (1) of section 13, shall be taken to have been duly convened and to be free from all defect and irregularity.

Compensation.

General
power of

101. In any case not otherwise expressly provided for in this Act, the Trust may pay reasonable compensation to any person who sustains

damage by reason of the exercise of any of the powers vested under this Act in the Trust or the Chairman or any officer or servant of the Trust. Trust to pay compensation.

102. (1) If, on account of any act or omission, any person has been convicted of an offence under this Act, and by reason of such act or omission damage has occurred to any property of the Trust, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence. Compensation to be paid by offenders for damage caused by them.

(2) In the event of dispute, the amount of compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence.

(3) If the amount of any compensation due under this section be not paid, the same shall be recovered under a warrant from the said Magistrate, as if it were a fine inflicted by him on the person liable therefor.

Dissolution of Trust.

103. (1) When all schemes sanctioned under this Act have been executed, or have been so far executed as to render the continued existence of the Trust, in the opinion of the Local Government, unnecessary, the Local Government may by notification declare that the Trust shall be dissolved from such date as may be specified in this behalf in such notification; and the Trust shall be deemed to be dissolved accordingly. Ultimate dissolution of Trust, and transfer of its assets and liabilities to the municipal boards.

(2) From the said date—

- (a) all properties, funds, and dues which are vested in or realizable by the Trust and the Chairman respectively, shall vest in and be realizable by the municipal board and the Chairman of the board respectively; and
- (b) all liabilities which are enforceable against the Trust shall be enforceable only against the municipal board; and
- (c) for the purpose of completing the execution of any scheme, sanctioned under this Act, which has not been fully executed by the Trust, and of realizing properties, funds, and dues referred to in clause (a), the functions of the Trust and the Chairman under this Act shall be discharged by the municipal board and the Chairman of the board respectively; and
- (d) the municipal board shall keep separate accounts of all moneys respectively received and expended by it under this Act, until all loans raised hereunder have been repaid, and until all other liabilities referred to in clause (b) have been duly met.

THE SCHEDULE.

(Referred to in Section 58.)

FURTHER MODIFICATIONS IN THE LAND ACQUISITION ACT, 1894 (HEREIN- I of 1894.
AFTER CALLED "THE SAID ACT").

Amendment
of section 3.

1. After clause (e) of section 3 of the said Act the following shall be deemed to be inserted, namely,—

"(ee) the expression, 'local authority' includes a Trust constituted under the United Provinces Town Improvement Act, 1919."

Notification
under section
4 and declara-
tion under
section 6 to
be replaced
by notifica-
tions under
sections 36
and 42 of
this Act.

2. (1) The first publication of a notice of an improvement scheme under section 36 of this Act shall be substituted for and have the same effect as publication, in the Gazette and in the locality, of a notification under sub-section (1) of section 4 of the said Act, except where a declaration under section 4 or section 6 of the said Act has previously been made and is still in force.

(2) Subject to the provisions of sections 10 and 11 of this Schedule, the issue of a notice under sub-section (4) of section 29 in the case of land acquired under that sub-section, and in any other case the publication of a notification under section 42 shall be substituted for and have the same effect as a declaration by the Local Government under section 6 of the said Act, unless a declaration under the last mentioned section has previously been made and is still in force.

Amendment
of section 11.

3. The full stop at the end of section 11 of the said Act shall be deemed to be changed to a semi-colon, and the following shall be deemed to be added, namely,—

"and

(iv) the costs which, in his opinion, should be allowed to any person who is found to be entitled to compensation, and who is not entitled to receive the additional sum of fifteen *per centum* mentioned in sub-section (2) of section 23, as having been actually and reasonably incurred by such person in preparing his claim and putting his case before the Collector.

The Collector may disallow, wholly or in part, costs incurred by any person, if he considers that the claim made by such person for compensation is extravagant."

Amendment
of section 15.

4. In section 15 of the said Act, for the word and figures "and 24" the figures, word, and letter "24 and 24A," preceded by a comma, shall be deemed to be substituted.

5. (1) In sub-section (3) of section 17 of the said Act, after the figures " 24 " the words, figures, and letter " or section 24A " shall be deemed to be inserted. Amendment of section 17.

(2) To the said section 17 the following shall be deemed to be added, namely,—

" (4) Sub-sections (1) and (3) shall apply also in the case of any area which is stated in a certificate granted by the District Magistrate or a Magistrate of the first class to be unhealthy.

(5) Before granting any such certificate the Magistrate shall cause notice to be served as promptly as may be on the persons referred to in sub-section (3) of section 9, and shall hear without any avoidable delay any objections which may be urged by them.

(6) When proceedings have been taken under this section for the acquisition of any land, and any person sustains damage in consequence of being suddenly dispossessed of such land, compensation shall be paid to such person for such dispossession."

6. After section 17 of the said Act the following shall be deemed to be inserted, namely,—

" 17A. In every case referred to in section 16 or section 17, the Collector shall, upon payment of the cost of acquisition, make over charge of the land to the Trust; and the land shall thereupon vest in the Trust, subject to the liability of the Trust to pay any further costs which may be incurred on account of its acquisition." Transfer of land to Trust.

7. The full stop at the end of sub-section (1) of section 18 of the said Act shall be deemed to be changed to a comma, and the words " or the amount of the costs allowed " shall be deemed to be added. Amendment of section 18.

8. After the words " amount of compensation," in clause (c) of section 19 of the said Act, the words " and of costs (if any) " shall be deemed to be inserted. Amendment of section 19.

9. After the words " amount of the compensation," in clause (c) of section 20 of the said Act the words " or costs " shall be deemed to be inserted. Amendment of section 20.

10. (1) In clause *first* and clause *sixthly* of sub-section (1) of section 23 of the said Act, for the words " publication of the declaration relating thereto under section 6 " and the words " publication of the declaration under section 6 " shall be deemed to be substituted,—

(a) if the land is being acquired under sub-section (3) of section 29 of this Act, the words " issue of the notice under sub-section

(3) of section 29 of the United Provinces Town Improvement Act, 1919," and

U. P. Act
VIII of 1919.

(b) in any other case, the words "first publication of the notification under section 36 of the United Provinces Town Improvement Act, 1919."

(2) The full stop at the end of sub-section (2) of section 23 of the said Act shall be deemed to be changed to a colon, and the following proviso shall be deemed to be added:—

"Provided that this sub-section shall not apply to any land acquired under the United Provinces Town Improvement Act, 1919, except—

U. P. Act
VIII of 1919.

- (a) land acquired under sub-section (4) of section 29 of that Act, and
- (b) buildings in the actual occupation of the owner or occupied free of rent by a relative of the owner, and land appurtenant thereto, and
- (c) gardens not let to tenants but used by the owners as a place of resort."

(3) At the end of section 23 of the said Act, the following shall be deemed to be added, namely:—

"(3) For the purposes of clause *first* of sub-section (1) of this section—

- (a) the market-value of the land shall be the market-value according to the use to which the land was put at the date with reference to which the market-value is to be determined under that clause;
- (b) if it be shown that before such date the owner of the land had in good faith taken active steps and incurred expenditure to secure a more profitable use of the same, further compensation based on his actual loss may be paid to him;
- (c) if any person, without the permission of the Trust required by clause (b) of sub-section (1) of section 29 or by sub-section (3) of section 30 or by sub-section (4) of section 32 of the United Provinces Town Improvement Act, 1919, has erected, re-erected, added to or altered any building or wall so as to make the same project beyond the street alignment prescribed under section 29 or the street alignment or building line shown in any plan finally adopted by the Trust under section 30, or within the area specified in sub-section (4) of section 32, as the case may be, then any increase in the market-value

U. P. Act
VIII of 1919.

resulting from such erection, re-erection, addition or alteration shall be disregarded;

- (d) if the market-value has been increased by means of any improvement made by the owner or his predecessor in interest within two years before the aforesaid date, such increase shall be disregarded unless it be proved that the improvement so made was made in good faith and not in contemplation of proceedings for the acquisition of the land being taken under this Act;
- (e) if the market-value is specially high in consequence of the land being put to a use which is unlawful or contrary to public policy, that use shall be disregarded and the market-value shall be deemed to be the market-value of the land if put to ordinary uses; and
- (f) if the market-value of any building is specially high in consequence of the building being so overcrowded as to be dangerous to the health of the inmates, such overcrowding shall be disregarded, and the market-value shall be deemed to be the market-value of the building if occupied by such number of persons only as could be accommodated in it without risk of danger from overcrowding;
- (g) when the owner of the land or building has after passing of the United Provinces Town Improvement Act, 1919, and within two years preceding the date with reference to which the market-value is to be determined, made a return under section 158 of the ¹United Provinces Municipalities Act, 1916, of the rent of the land or building, the rent of the land or building shall not in any case be deemed to be greater than the rent shown in the latest return so made, save as the Court may otherwise direct, and the market-value may be determined on the basis of such rent:

U. P. Act
VIII of 1919.

U. P. Act
II of 1916.

Provided that where any addition to, or improvement of, the land or building has been made after the date of such latest return and previous to the date with reference to which the market-value is to be determined, the Court may take into consideration any increase in the letting value of the land due to such addition or improvement.

II. For clause *seventhly* of section 24 of the said Act, the following ^{Amendment of section 24.} shall be deemed to be substituted, namely,—

“ *seventhly*, any outlay on additions or improvements to land acquired, which was incurred after the date with reference

¹ *Supra*, Vol. II.

to which the market-value is to be determined, unless such additions or improvements were necessary for the maintenance of any building in a proper state of repair."

New section
24A.

12. After section 24 of the said Act the following shall be deemed to be inserted, namely,—

Further
provision for
determining
compensa-
tion.

"24A. In determining the amount of compensation to be awarded for any land acquired for the Trust under this Act, the Tribunal shall also have regard to the following provisions, namely,—

- (1) when any interest in any land acquired under this Act has been acquired after the date with reference to which the market-value is to be determined, no separate estimate of the value of such interest shall be made so as to increase the amount of compensation to be paid for such land;
- (2) if, in the opinion of the Tribunal, any building is in a defective state, from a sanitary point of view, or is not in a reasonably good state of repair, the amount of compensation for such building shall not exceed the sum which the Tribunal considers the building would be worth if it were put into a sanitary condition or into a reasonably good state of repair, as the case may be, minus the estimated cost of putting it into such condition or state;
- (3) if, in the opinion of the Tribunal, any building which is used or is intended or is likely to be used for human habitation, is not reasonably capable of being made fit for human habitation, the amount of compensation for such building shall not exceed the value of the materials of the building, minus the cost of demolishing the building."

Amendment
of section 31.

13. (1) After the words "the compensation" in sub-section (1) of section 31 of the said Act, and after the words "the amount of the compensation" in sub-section (2) of that section the words "and costs (if any)" shall be deemed to be inserted.

(2) After the words "any compensation" in the concluding proviso to sub-section (2) of section 31 of the said Act the words "or costs" shall be deemed to be inserted.

New section
48A.

14. After section 48 the following shall be deemed to be inserted, namely,—

Compensa-
tion to be
awarded
when land
not acquired

"48A. (1) If within a period of two years from the date of the publication of the declaration under section 6 in respect of any land, the Collector has not made an award under section 11 with respect to such land, the owner of the land shall, unless he has been to a material extent

responsible for the delay, be entitled to receive compensation for the damage suffered by him in consequence of the delay. ^{within two years.}

(2) The provisions of Part III of this Act shall apply, so far as may be, to the determination of the compensation payable under this section."

15. After sub-section (1) of section 49 of the said Act, the following ^{Amendment of section 49.} shall be deemed to be inserted, namely,—

"(1a) For the purposes of sub-section (1), land which is held with and attached to a house and is reasonably required for the enjoyment and use of the house shall be deemed to be part of the house."

THE UNITED PROVINCES MINOR IRRIGATION WORKS ACT, 1920.

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UNITED PROVINCES ACT No. I of 1920

[APPLIES TO THE UNITED PROVINCES.]

[30th April, 1920; 1st June, 1920.]

WHEREAS it is expedient to make provision for the construction, improvement and maintenance by Government of irrigation works on a

¹ For Statement of Objects and Reasons, see *United Provinces Gazette*, 1920, Pt. VII, p. 73, and for Proceedings in Council, see *ibid*, 1920, Pt. VII, pp. 20, 113, 501, and 616.

smaller scale than that contemplated by the provisions of the Northern India Canal and Drainage Act, 1873;¹ and whereas the previous sanction VIII of 1873. of the Governor General has been obtained under sub-section (2) of section 79 of the Government of India Act, 1915; It is hereby enacted as 5 & 6 Geo. 5, o. 61. follows:—

PART I.

PRELIMINARY.

Short title
and extent.

1. (1) This Act may be called the United Provinces Minor Irrigation Works Act, 1920.

(2) It extends to all the territories for the time being administered by the Lieutenant-Governor of the United Provinces of Agra and Oudh.

Definitions.

2. In this Act, unless there be something repugnant in the subject or context,—

- (1) "Construction" (with its grammatical variations and cognate expressions) includes improvement within a limited time and in a specific manner:
- (2) "Minor Irrigation work" or "work" means an irrigation, submersion, drainage or protective work or system of such works, natural or artificial, of which the construction or maintenance by the Local Government appears to that Government to call for action on a smaller scale than that contemplated by the Northern India Canal and Drainage VIII of 1873. Act, 1873:¹
- (3) "Owner" includes an under-proprietor, a permanent tenure-holder, a permanent lessee, a fixed rate tenant, and a mortgagor or mortgagee in possession; but does not include a mortgagor or mortgagee out of possession or a lessee for a term of years, nor, where a superior and an inferior right of ownership co-exist, the owner of the superior right.

PART II.

PREPARATION OF SCHEME.

Preliminary
order of
Government.

3. The Local Government may direct the Collector or any other person to make inquiry whether it is desirable to undertake the construction or maintenance of a minor irrigation work of any description in any specified local area.

¹ *Supra*, Vol. I.

4. (1) The Collector shall, thereupon, publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than forty-two days after the date of such publication) on which the inquiry shall be held, and shall also; subject to any rule made under section 47, cause a copy of the notice to be served on any owner whose land he believes to be likely to be affected by the proposed construction or maintenance.

Publication
of prelimi-
nary order.

(2) The notice shall set forth the general character of the proposed construction or maintenance, and shall invite all persons having interests likely to be affected thereby to submit any objection or suggestion that they may desire to make on or before a date prescribed in the notice and to produce any evidence in support of such objection or suggestion on the date appointed for the holding of the inquiry.

5. Every owner of land likely to be affected by such construction or maintenance who fails within the period allowed by the notice to submit any objection or suggestion in the manner prescribed shall be deemed for the purposes of this Act to have given his consent thereto.

Implied
consent of
owners.

6. (1) If the Collector or other person appointed to make the inquiry, after considering any objection or suggestion duly submitted and taking such evidence as he thinks necessary, finds that the owners of at least one-half of the land likely to be affected by the construction or maintenance of the work consent, or are deemed to consent, to such construction or maintenance, he shall embody his proceedings in a report to be submitted to the Local Government, and shall in such report make proposals as to the manner in which Government is to be compensated or to recoup itself for any expenditure, whether capital or recurring, incurred by it.

Inquiry
and report by
the Collector.

(2) If the owners of more than one-half of the land affected or likely to be affected are opposed to the construction or maintenance of the work, a report to this effect only shall be submitted to the Local Government.

7. Upon receipt of the report referred to in sub-section (1) of the preceding section, the Local Government may, after such further inquiry, if any, as it thinks fit, publish a notification in the Gazette directing the preparation of a draft scheme of construction or maintenance or of both.

Notification
by Govern-
ment direct-
ing draft
scheme to be
prepared.

8. Upon such publication, any officer empowered by the Local Government in this behalf by general or special order may enter, or depute any other person to enter, upon any lands within the area specified in section 3, or on any lands adjacent thereto, for the purpose of doing any act necessary in his opinion for the preparation of the draft scheme, provided that reasonable notice shall be given before entry is made into any building or any enclosed court or garden attached to a dwelling house.

Powers
of officer
preparing
draft scheme.

Compensation for damage caused by entry under section 8.

9. In case of entry under section 8, the officer empowered under that section shall, at the time of such entry, tender compensation for any damage which may be occasioned by any proceeding under that section; and in case of dispute as to the sufficiency of the amount so tendered, he shall forthwith refer the same for decision by the Collector, and such decision shall be final.

Draft scheme.

10. (1) The officer empowered by Government under section 8 shall submit a draft scheme to Government, and such scheme shall, so far as he deems necessary, embody the following particulars and be accompanied by the following documents, namely:—

- (a) a specification and plan of the work which it is proposed to construct or maintain and an estimate of the capital or recurring expenditure involved thereby;
- (b) the estimated time required for the completion of a scheme of construction;
- (c) a statement detailing—
 - (i) the land and interests in land which in his opinion it will be necessary to acquire in order to carry out the scheme,
 - (ii) the portion of such land and interests therein which can be acquired by negotiation,
 - (iii) the portion of such land and interests therein which it will be necessary to acquire under the Land Acquisition Act, I of 1894, 1894, and
 - (iv) an estimate in each case of the expenditure required for the purpose of acquisition;
- (d) the extent to which it will be necessary in his opinion to make compensation for damage caused to property by the carrying out of the scheme and the expenditure required for this purpose;
- (e) the area which will be benefited by the scheme;
- (f) the method of management of the work;
- (g) with reference to section 19, the method or methods by which Government will be recouped or compensated for expenditure incurred by it;
- (h) where all or any of the owners within the benefited area agree—
 - (i) to make themselves responsible to Government for any expenditure incurred by Government from time to time in the execution of the scheme or for interest at a specified rate thereon or for both, or

- (vi) to pay any fixed contract sum or sums (along with interest at a specified rate on arrears thereof) to Government for the execution by Government of the scheme.

an agreement to either effect executed by such owners;

- (v) the description of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, whereof the water should be applied or used for the purpose of the work:
- (j) any other matter which is required by the circumstances of the case.

(2) Such scheme shall also embody any particulars and be accompanied by any documents required by any rule made under section 47.

(3) Any agreement referred to in clause (h) of sub-section (1) may provide that on payment of the amount expressed therein the work shall vest in and be maintained by the owners executing the agreement, subject to the provisions of Part III.

11. (1) When the draft scheme has been prepared to the satisfaction of Government, a notice giving such particulars as are required by rule in this behalf and stating at what place and times the scheme will be open to inspection shall be published by affixing a copy of the notice in a prominent place in each village of which the land is in the opinion of the Collector likely to be affected by the scheme if carried out.

Publication
of draft
scheme.

(2) The Collector may also serve notice to the same effect on any owner or occupier of land likely to be affected by the scheme or on the agent of such owner or occupier.

(3) On publication of the notice under sub-section (1), any person likely to be affected by the scheme may within one month from the date of such publication present in writing to the Collector any objection which he may have to the scheme.

(4) The Collector shall forward to the Local Government all objections which may be presented to him together with any remark that he may desire to make in respect of such objections.

12. (1) After such modification of the draft scheme as appears to be required by any objection made under the previous section, the Local Government may, if it thinks fit to proceed with the scheme, notify the same as approved by publication in the Gazette, and thereafter it shall be entitled to carry out such approved scheme in accordance with the provisions of this Act:

Adoption by
Government
of approved
scheme.

Provided that if the scheme has in the opinion of the Local Government been substantially altered, the provisions of section 11 shall apply to the amended scheme.

(2) The publication under sub-section (1) of a scheme as approved shall be conclusive proof that any consent recorded therein has been duly obtained, that the scheme will benefit the area specified therein in that behalf (hereinafter called the benefited area), and that the scheme has in all respects been duly prepared and approved.

Operation of
a notified
scheme as a
notification
under sec-
tion 5 of Act
VIII of 1873.

13. The intimation in a scheme notified under sub-section (1) of section 12 of the intention to apply or use the water of any river or stream flowing in a natural channel, or of any lake or other natural collection of still water, for the purpose of the work to which the scheme relates, shall operate as a notification under section 5 of the Northern India Canal and Drainage Act, 1873,¹ declaring that the said water will be so applied or used on the expiration of three months from the date of the notification. VIII of 1873.

Modification
of approved
scheme or
substitution
of new
scheme.

14. (1) The Local Government may from time to time modify any approved scheme notified under section 12 or substitute another scheme in its stead, and the provisions of this Act applicable to a scheme notified under section 12 shall thereafter be applicable to any scheme so modified or substituted:

(2) Provided that any consent, publication or other thing required by this Act in respect of a scheme shall be necessary also in respect of the alteration of a scheme or the substitution of a new scheme for an existing one.

PART III.

CONSTRUCTION AND MAINTENANCE.

Appointment
of officer in
charge.

15. The Local Government may, by general or special order, appoint an officer (hereinafter called the officer in charge) to be in charge of the construction or maintenance of a minor irrigation work in respect of which an approved scheme has been published.

Powers of
officer in
charge.

16. (1) The officer in charge and any officer to whom he is subordinate shall have the following powers, namely:--

- (a) to exercise, with reference to the work, the powers conferred by section 6 of the Northern India Canal and Drainage Act, 1873;¹
- (b) to prohibit by order in writing any person from doing anything which in his opinion diminishes, or is likely to diminish, the efficiency of the work;
- (c) to require by order in writing any owner or occupier of land within the benefited area to take or permit such action in

VIII of 1873.

¹ *Supra*, Vol. I.

respect of any property therein belonging to him or in his possession as may appear necessary for the preservation or maintenance of the work or may appear to be necessary for the purpose of increasing or extending within the benefited area, by means of distributaries or otherwise, the benefit of the work;

- (d) to enter or authorize any other person to enter upon any land for the purpose of constructing or maintaining the work, or of preventing or remedying the effect of any accident to the same, or of inspecting or regulating the use of the water supplied, or of measuring lands irrigated by the work or chargeable with any water-rate or other sum, or of doing any other thing necessary for the proper regulation and management of the work;
- (e) to require, in cases of urgency, any owner or occupier of land receiving benefit from the work to assist in procuring at market rates such labour as may be necessary for the preservation or maintenance of the work;
- (f) to do or prevent being done anything in respect of which an order has been issued by him under clauses (b) and (c), provided that the person so ordered has failed to obey the order within the time specified in the order, and provided also that no action shall be taken under this clause in respect of an order issued under clause (c) until such order has become final under section 17;
- (g) if a divisional canal officer, to issue an order in writing to the persons using any water-course to construct suitable bridges, culverts or other works for the passage of the water of such water-course across any public road, canal or drainage channel in use before the said water-course was made, or to repair any such works, and on the failure of the person to whom the order has been issued to comply within a reasonable time, himself to take the required action at the cost of such person which shall be recoverable under section 28.

(2) The power conferred by clause (c) of sub-section (1) shall include the power to order the transfer by one person to another, on the payment of compensation to be determined in the manner described in section 40, of a water-course, or of any land or right in land required for the construction of a water-course.

17. (1) Orders issued by the officer in charge under section 16 shall be subject to appeal in writing made within fifteen days to such officer or officers as the Local Government directs by rule, but unless appealed against in the prescribed manner shall be final.

(2) The order of the appellate authority shall be final.

Land ac-
quisition.

18. (1) Any land or interest in land which, in the opinion of the Local Government, it is necessary to acquire in pursuance of a scheme notified under section 12, shall, for the purposes of the ¹Land Acquisition Act, 1894, be deemed to be required for a public purpose.

(2) For the purposes of sub-section (1) of section 23 of the said Act the market value of such land at the date of the publication of the declaration relating thereto under section 6 of that Act shall be deemed to be the market value at the time of the issue of the preliminary order under section 3 of this Act.

PART IV.

RECOVERY OF EXPENDITURE.

Alternative
modes of re-
coupment by
Government.

19. The Local Government may compensate or recoup itself for any expenditure which it incurs, or agrees to incur, in the carrying out of any approved scheme of construction or maintenance or of both in any one or more of the following methods, namely:—

- (a) by the levy from the owners of land within the benefited area, whether such benefit takes the form of direct irrigation, percolation, submersion, improvement of the water-supply in wells or drainage of excessive water or otherwise, of a uniform rate or of differential rates imposed on such land in accordance with rules made by the Local Government; or
- (b) by the recovery from any owners executing an agreement under clause (h) (i) or clause (h) (ii) of sub-section (1) of section 10 of any sums due thereunder; or
- (c) by the realization of miscellaneous income arising from the management by Government of the work.

Appeal
against rates.

20. (1) An appeal against the assessment or levy of any rate under this Act shall lie to such officer as is empowered by rule in this behalf.

(2) In every appeal the costs shall be at the discretion of the officer deciding the appeal.

(3) Costs awarded under this section against the appellant shall be recoverable as though they were an arrear of land revenue due from the appellant.

Limitation
appeal.

21. No appeal shall lie in respect of any rate unless it is preferred within thirty days from the time when the demand for the rate is first made.

22. No objection shall be taken to any assessment, nor shall the liability of any person to be assessed or rated be questioned in any other manner, or by any other authority, than is provided in or under this Act: Exclusion of jurisdiction of ordinary courts.

Provided that nothing in this section shall prevent any person from obtaining a declaration in the Civil Court that he is not liable to such assessment on the ground that he is not the owner of the land in respect of which the assessment has been made, and the assessing officer shall be bound by such declaration.

23. Where a rate is charged on land held by several joint owners, it shall be payable by the manager or other person who receives the rents or profits of such land, who may recover from such joint owners any sums so paid on their behalf. Rate by whom payable when charged on land held by several occupiers.

24. (1) Notwithstanding anything contained in any enactment to the contrary, but subject to any rules made in this behalf, where benefits are received from a minor irrigation work constructed or maintained under this Act, such benefits, whether due to the supply of direct irrigation or to percolation, submersion, improvement of the water-supply in wells or drainage of excessive water or otherwise, shall be deemed a ground for enhancement of rent. Enhancement and abatement of rent.

(2) In like manner, the loss or discontinuance of any benefits received from a minor irrigation work shall be deemed a ground for abatement of rent.

25. Except as may be otherwise provided by rules made under section 47, all claims under the preceding section in any local area shall be made by suit to be instituted in a revenue court empowered to try suits for the enhancement or abatement of rent in such local area, and the court shall in the trial of such suit follow the procedure prescribed for the trial of suits for the enhancement or abatement of rent in such local area. Procedure in enhancement and abatement.

26. Where any sum is recoverable under clause (b) of section 19 from owners for the time being of land within the benefited area, they shall be jointly and severally liable for the same. Apportionment of charges due under clause (b) of section 19.

27. (1) All agreements made within a period of twelve years prior to the date on which this Act comes into force regarding the construction, repair and maintenance of a minor irrigation work which might have been constructed or maintained under this Act, had it been in force, shall, so far as the terms thereof are consistent with this Act, be deemed to have been made under this Act, and shall have force accordingly. Enforcement of agreements previous to Act.

(2) Nothing in sub-section (1) shall apply to any such agreement in respect of a minor irrigation work unless and until the Local Government declares the work by notification in the Gazette to be subject to the provisions of this section.

Certified dues
and debts
recoverable
as land
revenue.

28. Any sum lawfully due under this Act and certified by the officer in charge to be so due and any sum not otherwise recoverable under this Act but due under an agreement referred to in section 27 which remains unpaid after the day on which it becomes due shall be recoverable by the Collector from any person liable for the same as if it were an arrear of land revenue.

Power to
contract for
collection
of dues.

29. (1) The officer in charge or the Collector may enter into an agreement with any person for the collection and payment to the Government by such person of any sum payable under this Act by a third party.

(2) When such agreement has been made, such person may recover such sum by suit as though it were an arrear of rent due to him on account of the land in respect of which such sum is payable or water shall have been supplied or used.

(3) If such person makes default in the payment of any sum to be collected by him under this section, such sum may be recovered from him by the Collector under section 28, and, if such sum or any part of it be still due by the said third party, the sum or part so due may be recovered in like manner by the Collector from such third party.

Lambardars
may be
required to
collect dues.

30. (1) In the absence of an agreement made under section 29 with any other person the Collector may require the lambardar of any mahal to collect and pay any sums payable under this Act by a third party in respect of any land or water in such mahal, and in the event of his failing to pay any sum so required, may recover it from him as an arrear of land revenue.

(2) Where a lambardar is required to pay any sum under sub-section (1), all the provisions of law for the time being applicable to the recovery by him or by the Collector on his behalf of land revenue and remuneration fees from any third party shall apply to the recovery of such sums from any third party liable for the same as if they were enacted in this Act.

Saving in
respect of
fines.

31. Nothing in sections 28, 29, and 30 applies to fines.

PART V.

PENALTIES AND PREVENTIVE ACTION.

Offences.

32. Whoever without proper authority, and voluntarily, does any of the following acts, namely—

(1) damages, alters, enlarges or obstructs any work;

- (2) interferes with, increases or diminishes the supply of water in or the flow of water from, through, over or under any work;
- (3) being responsible for the maintenance of any work or of any part thereof or using any work or any part thereof, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorized distribution of water therefrom or uses such water in an unauthorized manner;
- (4) corrupts or fouls the water of any work so as to render it less fit for the purposes for which it is ordinarily used;
- (5) destroys or moves any level-mark or water-gauge fixed by the authority of a public servant;
- (6) passes, or causes animals or vehicles to pass, on or across any work, contrary to rules made under this Act;
- (7) violates any rule made under this Act the breach of which is declared to be punishable, or disobeys any lawful order of the Collector or other officer,

shall be liable on conviction before a Magistrate to imprisonment for a period not exceeding one month or to a fine not exceeding fifty rupees or, where the offence is a continuing one, to further fine which may extend to ten rupees for every day on which the offence continues after the date of first conviction.

33. Nothing herein contained shall prevent any person being prosecuted under any other law for any offence punishable under this Act, provided that no person shall be punished twice for the same offence.

34. Any person in charge of or employed upon any work may remove from the lands or buildings belonging thereto, or may take into custody without a warrant and take (or send) forthwith to a Magistrate or to the nearest police station, to be dealt with according to law, any person who within his view commits any of the following offences:—

- (a) wilfully damages or obstructs any work;
- (b) without proper authority interferes with the supply or flow of water to or from any work so as to endanger, damage or render less useful such work.

35. In this part the word "work" shall be deemed to include all lands occupied by Government for the purpose of a minor irrigation work in respect of which an approved scheme has been published and all buildings, machinery, fences, gates, and other erections, trees, crops, plantations or other produce, occupied by or belonging to Government upon such lands.

Definition of
"work" in
this part.

PART VI.

JURISDICTION AND PROCEDURE.

Preparation
of record
of rights.

36. (1) The Collector shall, whenever the Local Government by special order, or by rules made under this Act, so directs, prepare or revise for any minor irrigation work in respect of which an approved scheme has been published a record showing all or any of the following matters, namely:—

- (a) the custom or rule of irrigation;
- (b) the rights to water and the conditions on which such rights are enjoyed;
- (c) the rights as to the erection, repair, reconstruction, and working of mills, and the conditions on which such rights are enjoyed; and
- (d) such other matters as the Local Government may by rule prescribe in this behalf.

(2) Entries in the record so prepared or revised shall be relevant as evidence in any dispute as to the matters recorded, and shall be presumed to be true until the contrary is proved or a new entry is lawfully substituted therefor:

Provided that no such entry shall be so construed as to limit any of the powers conferred on Government by this Act.

(3) When a record showing all or any of the matters enumerated in sub-section (1) has been framed at any settlement of the land revenue such record shall be deemed to have been made under this section.

(4) Every person interested shall be bound to furnish to the Collector, or to any person acting under the direction of the Collector, all information necessary for the correct preparation of a record under this section.

(5) The provisions of Chapter IV of the ¹United Provinces Land Revenue Act, 1901, shall, so far as may be, apply to the preparation and revision of every such record. U. P. Act
III of 1901.

Settlement
of disputes
between
private
persons.

37. (1) Subject to the provisions of section 39, whenever a dispute arises between two or more persons in regard to any right or liability arising from the construction or maintenance under this Act of a minor irrigation work in respect of which an approved scheme has been published, or arising from the issue of any order under this Act in respect of such work, any such person may apply in writing to the officer in charge of the work stating the matter in dispute.

¹ *Supra*, Vol. II.

(2) That officer shall thereupon give notice to the other persons interested that, on a day to be named in the notice, he will proceed to inquire into the said matter.

(3) On the day fixed for the inquiry, or on any subsequent day, the aforesaid officer shall pass an order determining the matter in dispute, unless he transfers (as he is hereby empowered to do) the matter to the Collector, who, in such case, shall inquire into and pass an order determining the said matter.

(4) An order under sub-section (3) may award compensation to any person who is a party to the proceedings against any other such person for any injury sustained; and any compensation so awarded shall be recoverable upon application made to the Revenue Court having jurisdiction in the area concerned as if it had been awarded by a decree of that Court.

(5) The order of the officer in charge of the work or of the Collector as to the use or distribution of water shall be final so far as it applies to any crop sown or growing at the time when such order is made, and so far as it applies to any future crop shall remain in force until and except so far as it is set aside by a subsequent order passed in a fresh dispute under this section or by a decree of a Civil Court passed in a suit or proceeding within its jurisdiction.

(6) For the purpose of sub-section (5) a dispute shall be deemed to be a fresh dispute when it arises out of different or changed circumstances.

VIII of 1873.

38. The provisions of sections 7 to 13 (inclusive) of the ¹Northern India Canal and Drainage Act, 1873, shall be applicable, as if they were enacted in this Act, in respect of compensation for any stoppage, diminution or damage of the description contemplated by the aforesaid sections and caused by the carrying out of any scheme under this Act. Compensation for damage caused by the application or use of water.

I of 1894

39. (1) Where the transfer of any water-course or of any land or interest in land required for the construction of a water-course is directed by an order made under section 16, upon payment of compensation, the Collector shall, on the application of any person affected by such order, proceed to determine the compensation under the provisions of the ²Land Acquisition Act, 1894; but he may, if the person to be compensated so desires, award such compensation in the form of a rent-charge payable in respect of the land or water-course occupied or transferred. Compensation relating to water-courses.

(2) If any sum or rent-charge awarded under sub-section (1) is not paid when lawfully demanded by the person entitled to receive the same, the amount shall be recovered by the Collector as if it were an arrear of land revenue and shall, when recovered, be paid by him to the person entitled to receive the same.

¹ *Supra*, Vol. I.

² Genl. Acts, Vol. IV.

Compensation for damage caused by entry under section 16 (1) (d)

40. In every case of entry under clause (d) of section 16 (1) upon any lands adjacent to a minor irrigation work for the purpose of preventing or remedying the effect of any accident to the work, the officer in charge shall tender compensation to the proprietors or occupiers of the said lands for all damage done to the same. If such tender is not accepted, the officer in charge shall refer the matter to the Collector, who shall proceed to award compensation for the damage as though the Local Government had directed the occupation of the lands under section 35 of the ¹Land Acquisition Act, 1894.

1 of 1894

Compensation for damage caused in other cases.

41. Where any damage, other than damage of the description referred to in sections 9, 16 (2), 38, 39 (1) or 40 is caused to a person by the exercise, with reference to a minor irrigation work, of any of the powers conferred by this Act, the officer in charge of the work shall, subject to any rules made under section 47 in this behalf, tender reasonable compensation to the person sustaining the damage and, in case of dispute as to the sufficiency of the amount tendered, he shall forthwith refer the matter for decision to the Collector, and such decision shall be final.

Limitation of claims for compensation for damage.

42. No claim for compensation for damage under this Act shall be made after the expiration of one year from the accrual of the damage, unless good cause is shown by the claimant for not making his claim within that period.

Bar to suits against officers.

43. No suit or other legal proceeding shall lie against any officer of Government or person acting under the directions of an officer of Government for anything done or intended to be done in good faith under this Act.

Powers to summon and examine witnesses

44. Any officer empowered by or under this Act to conduct any inquiry or to assess compensation may exercise all such powers connected with the summoning and examining of witnesses as are conferred on Civil Courts by the ²Code of Civil Procedure, 1908, and the inquiry or proceeding shall be deemed a judicial proceeding.

PART VII.

MISCELLANEOUS.

Vesting of work.

45. Every work shall be deemed to be vested in the persons or authority for the time being entrusted with the construction or maintenance thereof by the terms of a scheme notified under section 12.

Delegation of powers by Local Government.

46. The Local Government may delegate any of its powers under this Act to the Board of Revenue or to the Commissioner or other officer, and in such case references to the Local Government shall be construed as references to the Board of Revenue, the Commissioner, or other officer, as the case may be.

¹ Genl. Acts, Vol. IV.

² Genl. Acts, Vol. VI.

47. (1) The Local Government may, after previous publication, make rules to carry out the purposes of this Act. Power of Government to make rules

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made as to all or any of the following matters, namely:—

- (a) the nature, scope and extent of works to be undertaken under this Act;
- (b) the conduct of an inquiry under section 3 and other matters relating to the preparation of a draft scheme;
- (c) the publication and service of notices under sections 4 and 11;
- (d) the particulars and documents to be embodied in or submitted with a draft scheme;
- (e) the rates leviable from owners and the methods of assessing the same and time of payment;
- (f) the officer to whom an appeal shall lie under section 20;
- (g) the procedure to be adopted in proceedings held under section 24 for the enhancement or abatement of rent;
- (h) the remuneration of persons collecting sums for Government under section 29 or 30 and their indemnification against expenses properly incurred in collection;
- (i) the delegation by the Local Government of any powers conferred upon it under this Act.

(3) In making any rule under this section the Local Government may declare that a breach of such rule is punishable under this Act.

(4) All rules made under this section shall be published in the Gazette, and on such publication shall have effect as if enacted in this Act.

UNITED PROVINCES ACT No. II OF 1920.¹

[APPLIES TO THE UNITED PROVINCES.]

[30th April, 1920; 1st June, 1920.]

WHEREAS it is expedient to facilitate the construction of private irrigation works; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the United Provinces Private Irrigation Works Act, 1920. Short title and extent.

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1920, Pt. VII, p. 79 and for Proceedings in Council, see *ibid*, 1920, Pt. VII, pp. 20, 113, 501 and 619.

(2) It extends to all the territories for the time being administered by the Lieutenant-Governor of the United Provinces.

Definitions.

2. In this Act, unless there be something repugnant in the subject or context,—

- (1) "Estate" means any land owned or held by a landowner;
- (2) "Land" includes benefits to arise out of land and things attached to the earth or permanently fastened to anything attached to the earth;
- (3) "Landowner" includes an under-proprietor, a permanent tenure-holder, a permanent lessee, a fixed rate tenant and a mortgagor or mortgagee in possession, but does not include a mortgagor or mortgagee out of possession or a lessee for a term of years or, where a superior and an inferior right of ownership co-exist, the owner of the superior right.

CHAPTER II.**ACQUISITION OF LAND FOR PRIVATE IRRIGATION WORKS.****Application to Collector or to acquire land.**

3. Any landowner who desires to construct an irrigation, submersion, drainage or protective work for the benefit of his own estate and to acquire for the purpose the land of another person may apply in writing to the Local Government through the Collector, stating—

- (a) that he has endeavoured unsuccessfully to acquire the land;
- (b) that he desires the Collector, on his behalf and at his cost, to acquire the land for him under this Act;
- (c) that he is willing and in a position to deposit when so required all costs involved in the acquisition of the land; and
- (d) that he is in a position to meet the cost of construction of the work he desires to undertake.

Inquiry to be made by Collector.

4. (1) The Collector shall, thereupon, fix a date (of which the person to whom the land belongs shall receive reasonable notice) for holding an inquiry and shall publish a notice of the application and the date fixed for the inquiry in the village or villages concerned.

(2) At such inquiry the Collector shall determine—

- (a) whether the proposed improvement is of sufficient importance to justify action under this Act;
- (b) whether the most suitable situation or alignment for the proposed work necessitates the acquisition of the land;
- (c) whether the execution of the work is likely to cause damage to land belonging to other landowners, and whether any such land should be acquired;

(d) whether the statements in the application mentioned in section 3 are true; and

(e) generally whether the application should be granted.

5. If the Collector considers that the application should be granted he shall require the applicant to deposit the estimated cost of demarcation of the land which in his opinion it will be necessary to occupy for the construction of the work, and in the event of his doing so, the Collector shall proceed to demarcate the said land and frame a preliminary estimate of the cost of acquiring the said land under this Act. Demarcation of necessary land and estimate of cost.

6. The Collector shall report the result of his inquiry to the Local Government which may, on receipt of such report, either refuse the application or direct that the land demarcated be acquired by the Collector. Government to direct acquisition.

7. If the Local Government directs acquisition of the land, the Collector shall require the applicant to deposit the cost of acquisition as estimated under section 5, and in the event of his doing so, shall proceed to acquire the land under the Land Acquisition Act, 1894,¹ as if the Local Government had directed the Collector to take order for the acquisition of the land under section 7 of that Act. Power of Collector to acquire land

8. (1) If the final cost of acquisition is less than the amount deposited by the applicant under section 7, the balance shall be returned to him, but if it is greater, he shall be required to deposit the deficit within a time to be specified by the Collector; and in the event of his failing to do so, the Collector shall quash all proceedings hitherto taken, returning the amount already deposited to him after deduction of a tenth part therefrom. Conditions of delivery of occupation to applicant.

(2) When the final cost of acquisition does not exceed the amount deposited by the applicant under section 7, or when the deficit in the said amount has been duly deposited by the applicant under sub-section (1), he shall be placed in occupation of the land acquired, and the following conditions shall be thereafter binding on him and his representative in interest:—

All works necessary for the passage across the aforesaid land of water-courses existing previous to the construction of the work for which such land was acquired, and of drainage intercepted by such work, and for affording proper communications across it for the convenience of the neighbouring lands, shall be constructed and maintained by the applicant or his representatives in interest to the satisfaction of the Collector.

9. The Local Government may delegate any of its powers under this Chapter to the Commissioner or other officer, and, in such case, references Delegation of powers by Local Government.

¹ Genl. Acts, Vol. IV.

to the Local Government shall be construed as references to the Commissioner or other officer, as the case may be.

Result of
applicant
failing to
construct
work or
comply with
conditions.

10. (1) In the event of an applicant or his representative in interest failing—

- (a) to construct the work for the purpose of which the land has been acquired under this Act, or
- (b) to construct and maintain the necessary works in accordance with the conditions stated in sub-section (2) of section 8 to the satisfaction of the Collector,

within a time to be specified by the Collector, or within such further time as the Collector may from time to time allow, the person who owned the land at the date of acquisition or his representative in interest may, within one year of the expiry of the period mentioned above, claim in the Court of the Collector the return of the land on payment of the compensation paid to him after deduction therefrom of the amount paid under section 23 (2) of the Land Acquisition Act 1894,¹ and any other sum which may be awarded by the Collector for depreciation in the value of the land subsequent to acquisition. I of 1894.

(2) An order of the Collector for the return of the land shall operate to re-vest the land in the person to whom it belonged previous to the acquisition or his representative in interest, as the case may be, subject to all the rights of other persons existing at the time of acquisition.

CHAPTER III.

RECOVERY OF EXPENDITURE ON PRIVATE IRRIGATION WORKS BY LANDOWNERS CONSTRUCTING THE SAME.

Enhancement
of rent.

11. (1) Notwithstanding anything contained in any enactment to the contrary, but subject to any rules made in this behalf, where benefits are received from a private irrigation work constructed by a landowner, such benefits, whether due to the supply of direct irrigation or to percolation, submersion, improvement of the water-supply in wells or drainage of excessive water or otherwise, shall be deemed a ground for enhancement of rent.

(2) In like manner, the loss or discontinuance of any benefits received from a private irrigation work shall be deemed a ground for abatement of rent.

¹ Genl. Acts, Vol. IV.

(3) Except as may be otherwise provided by rules made under section 12 all claims under the foregoing provision of this section in any local area shall be made by suit to be instituted in a Revenue Court empowered to try suits for the enhancement and abatement of rent in such local area, and the Court shall in the trial of such suit follow the procedure prescribed for the trial of suits for the enhancement or abatement of rent in such local area.

CHAPTER IV.

POWER TO MAKE RULES.

12. (1) The Local Government may, after previous publication, make rules to carry out the purposes of this Act. Power of Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may be made as to all or any of the following matters:—

- (a) the circumstances in which applications under Chapter II may be granted;
- (b) the procedure to be observed in the holding of any inquiry or proceeding;
- (c) the enhancement and abatement of rent.

(3) All rules made under this section shall be published in the Gazette, and, on such publication, shall have effect as if enacted in this Act.

UNITED PROVINCES ACT No. III of 1920.¹

[APPLIES TO THE UNITED PROVINCES.]

[30th April, 1920; 9th June, 1920.]

WHEREAS it is expedient to amend the United Provinces Land Revenue Act, 1901,² and the Agra Tenancy Act, 1901;² It is hereby enacted as follows:—

1. This Act may be called the United Provinces Land Revenue and Agra Tenancy (Amendment) Act, 1920. Short title.

¹ For Statement of Objects and Reasons see United Provinces Gazette, 1920, Pt. VII, p. 53 and for Proceedings in Council, see *ibid*, 1920, Pt. VII, pp. 19, 112, 501 and 616.

² *Supra*.

1104 *Land Revenue and Agra Tenancy.* [1920: U. P. Act III.

Canning College and British Indian Association Contribution. [1920: U. P. Act IV.

Addition of a new section after section 14, United Provinces Land Revenue Act, 1901.
Amendment of section 189 of the Agra Tenancy Act, 1901.

2. After section 14 of the United Provinces Land Revenue Act, 1901,¹ the following section shall be inserted, namely:—

U. P. Act III of 1901.

[Vol. II of this Code, p. 601.]

3. In sub-sections (1), (2) and (3) of section 189 of the Agra Tenancy Act, 1901,¹ after the word "Collector" the words "or Additional Collector" shall, in each case, be inserted.

U. P. Act III of 1901.

UNITED PROVINCES ACT IV OF 1920.²

[APPLIES TO OUDH.]

[8th October, 1920; 18th November 1920.]

An Act to make better provision for the realization of certain contributions for the maintenance and support of the Canning College and the British Indian Association.

Preamble. WHEREAS certain contributions for the maintenance and support of the Canning College situate at Lucknow and of the British Indian Association, a registered body in Lucknow, have hitherto been realized by the Government along with the land revenue from the taluqdars and grantees of Oudh and their heirs, legatees, and transferees, and whereas it is expedient to remove certain doubts which have arisen as to the liability of the aforesaid persons or their representatives or legatees or assigns; It is hereby enacted as follows:—

Short title. 1. This Act may be called the Canning College and British Indian Association Contribution Act, 1920.

Definitions. 2. In this Act, unless there is something repugnant in the subject or context,—

(1) "British Indian Association" means the British Indian Association of Oudh;

(2) "Canning College" means the Canning College situate at Lucknow;

(3) the expressions "estate," "grantee," "legatee," and "talukdar" bear the same meaning as in the Oudh Estates Act, 1869,³ as amended by the Oudh Estates (Amendment) Act, 1910;⁴

1 of 1869.
U. P. Act, I
III of 1910.

¹ *Supra*, Vol. II.

² For Statement of Objects and Reasons, see United Provinces Gazette, 1920, Pt. VII, p. 94b and for Proceedings in Council, see *ibid*, 1920, Pt. VII, pp. 210, 501, 778 and 1104.

³ *Supra*, Vol. I.

⁴ *Supra*, Vol. II.

I of 1869.
 U. P. Act
 III of 1910.

- (4) "heir" bears the same meaning as in the Oudh Estates Act, 1869,¹ as amended by the Oudh Estates (Amendment) Act, 1910,² but includes also a "widow" or a "mother" who has inherited or inherits property as such;
- (5) "transfer" with its grammatical variations and cognate expressions means an alienation *inter vivos*, and includes a transfer in execution of a decree or by means of a compromise or settlement and a sale held for the recovery of land revenue or for the enforcement of any other claim of the Government, whether before or after the commencement of this Act;
- (6) "transferee from a taluqdar or grantee" includes a transferee from the heir or legatee of a taluqdar or grantee and the legal representative, successor, and assign of such transferee.

3. Every taluqdar and grantee and every heir, legatee, or transferee of a taluqdar or grantee shall pay along with the land revenue which he is liable to pay as such, a contribution for the maintenance and support of the Canning College and the British India Association at the rate of $1\frac{1}{2}$ per cent. of the total amount of such revenue:

Liability of certain persons to contribution for support of Canning College and British Indian Association.

Provided that where by reason of any deed executed before the 1st of January, 1920, the liability of any taluqdar or grantee or his heir, legatee or transferee to pay the portion of his contribution for the maintenance and support of the British Indian Association is determined with reference to the land revenue assessed in the last regular settlement it shall not vary in future with any variation in the land revenue.

Provided further that when any estate or portion of an estate has been transferred prior to the first day of April, 1909, to any person who is not a taluqdar or grantee or an heir or legatee of a taluqdar or grantee the transferee shall pay such contribution at the rate of one per cent. only of the total amount of land revenue which he is liable to pay to the Government in respect of the estate or portion of estate so transferred.

4. The contribution referred to in section 3 shall be realized by the revenue authorities along with the land revenue and every provision of the United Provinces Land Revenue Act, 1901,² relating to the recovery of land revenue shall apply to the recovery of such contributions.

Method of realization of contribution.

5. (1) Where no deed as mentioned in the first proviso to section 3 has been executed the Canning College shall be entitled to receive a sum

Distribution of contribution realized.

U. P. Act,
 III of 1901.

¹ *Supra*, Vol. I.

² *Supra*, Vol. II.

1106 *Canning College and British Indian Association Contribution.* [1920: U. P. Act IV.]

Lucknow University. [1920: U. P. Act V.]

equivalent to three-fifths and the British Indian Association shall be entitled to receive the remaining two-fifths of the contributions realized under section 4.

(2) Where a deed as mentioned in the aforesaid proviso has been executed, the British Indian Association shall be entitled to receive the amount realized on its behalf in accordance with such deed and the Canning College shall be entitled to receive the balance of the contributions realized under section 4.

Liability of
Canning Col-
lege to pay
portion of
contribution
to Colvin
Taluqdars'
School.

6. Out of its receipts aforementioned the Committee of the Canning College shall pay to the Committee of the Colvin Taluqdars' School at Lucknow for its support a sum which shall not exceed one-third of those receipts and shall not be less than—

- (i) twenty-five thousand rupees if the said receipts are not less than seventy-five thousand rupees,
- (ii) one-third of the said receipts if they are less than seventy-five thousand rupees.

Power of
Board of
Revenue to
make rules.

7. The Board of Revenue may, from time to time, subject to the sanction of the Local Government, frame rules in accordance with the provisions of this Act, for the guidance of the revenue authorities in regard to the collection of the aforesaid contributions.

THE LUCKNOW UNIVERSITY ACT, 1920.

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UNITED PROVINCES ACT V OF 1920.¹

[APPEALS TO OUDH.]

[1st November, 1920; 25th November, 1920.]

An Act to establish and incorporate a unitary teaching and residential University at Lucknow.

WHEREAS it is expedient to establish and incorporate a unitary teaching and residential University at Lucknow; It is hereby enacted as follows:—

1. (1) This Act may be called the Lucknow University Act, 1920. Short title

(2) It shall come into force on such date² as the Local Government may and com-
mencement.
by notification in the Gazette direct.

2. In this Act, and in all Statutes made hereunder, unless there is Definitions.
anything repugnant in the subject or context:—

(a) “College” means an institution maintained by the University, or if not so maintained, recognized by the University in accordance with the provisions of this Act in which tutorial and other supplementary instruction shall be provided under conditions prescribed in the Statutes, and which shall be a unit of residence for students of the University;

(b) “Hall” means a unit of residence for students of the University maintained by the University or, if not so maintained, recognized by the University in accordance with the provisions of this Act in which tutorial and other supplementary instruction may be given under the direction of the University in accordance with the Ordinances;

(c) “Principal” means the head of a College;

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1920, Pt. VII, p. 740; for Report of Select Committee, see *ibid.*, 1920, Pt. VII, p. 1015; and for Proceedings in Council, see *ibid.*, 1920, Pt. VII, pp. 792, 1122 and 1226.

² This Act came into force on the 2nd December 1920, see United Provinces Gazette, 1920, Pt. I, p. 1998.

- (d) "Provost" means the head of a Hall;
- (e) "Registered graduates" means graduates registered under the provisions of this Act;
- (f) "Statutes," "Ordinances," and "Regulations" mean, respectively, the Statutes, Ordinances, and Regulations of the University for the time being in force;
- (g) "Teachers" includes Professors, Readers, Lecturers, and other persons imparting instruction in the University or in any of its Colleges or Halls;
- (h) "Teachers of the University" means persons appointed and paid wholly or partly by the University for imparting instruction in the University; and
- (i) "University" means the University of Lucknow.

THE UNIVERSITY.

The University.

3. (1) The first Chancellor and Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the University of Lucknow.

(2) The University shall have perpetual succession and a Common Seal, and shall sue and be sued by the said name.

Powers of the University.

4. The University shall have the following powers, namely:—

- (1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge;
- (2) to hold examinations and to grant and confer degrees and other academic distinctions to and on persons who—
 - (a) shall have pursued a course of study in the University, or
 - (b) are teachers in educational institutions, under conditions prescribed in the Ordinances and Regulations, and shall have passed the examinations of the University, under like conditions;
- (3) to confer honorary degrees or other distinctions on approved persons in the manner prescribed in the Statutes;
- (4) to provide such lectures and instruction for, and to grant such diplomas to persons not being members of the University, as the University may determine;

- (5) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine;
- (6) to institute Professorships, Readerships, Lectureships, and any other teaching posts required by the University, and to appoint persons to such Professorships, Readerships, Lectureships, and posts;
- (7) to institute and award Fellowships, Scholarships, Exhibitions, Medals, and Prizes in accordance with the Statutes and the Ordinances;
- (8) to maintain Colleges and Halls and to recognize Colleges and Halls not maintained by the University;
- (9) to demand and receive such fees as may be prescribed in the Ordinances;
- (10) to supervise and control the residence and discipline of students of the University, and to make arrangements for promoting their health and general welfare; and
- (11) to do all such other acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University as a teaching and examining body, and to cultivate and promote arts, science, and learning.

5. The University shall be open to all persons of either sex and of whatever race, creed or class, and it shall not be lawful for the University to adopt or impose on any person any test whatsoever of religious belief or profession in order to entitle him to be admitted thereto as a teacher or student, or to hold any office therein, or to graduate thereat, or to enjoy or exercise any privilege thereof, except where such test is specially prescribed by the Statutes, or, in respect of any particular benefaction accepted by the University where such test is made a condition thereof, by any testamentary or other instrument creating such benefaction:

Provided that nothing in this section shall be deemed to prevent religious instruction being given in the manner prescribed by the Ordinances to those not unwilling to receive it by persons (whether teachers of the University or not) approved for that purpose by the Executive Council.

6. (1) All recognized teaching in connection with the courses shall be conducted by the University, and shall include lecturing, work in laboratories or workshops and other teaching conducted in the University by the Professors, Readers, Lecturers and other teachers thereof in accordance with any syllabus prescribed by the Regulations.

(2) The authorities responsible for organizing such teaching shall be prescribed by the Statutes.

(3) The courses and curricula shall be prescribed by the Ordinances and the Regulations.

(4) In addition to recognized teaching, tutorial and other supplementary instruction shall be given in the University or, under the control of the University, in Colleges and Halls.

(5) It shall not be lawful for the University to conduct courses or maintain classes for the purpose of preparing students for admission to the University.

THE VISITOR.

The Visitor.

7. (1) The Governor General shall be the Visitor of the University.

(2) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, laboratories, workshops and equipment, and of any institutions associated with the University, and also of the examinations, teaching and other work conducted or done by the University; and to cause an inquiry to be made in like manner in respect of any matter connected with the University. The Visitor shall in every case give notice to the University of his intention to cause an inspection or inquiry to be made, and the University shall be entitled to be represented thereat.

(3) The Visitor may address the Chancellor with reference to the results of such inspection or inquiry, and the Chancellor shall communicate to the Court and to the Executive Council the views of the Visitor and shall, after ascertaining the opinion of the Executive Council thereon, advise the University upon the action to be taken.

(4) The Executive Council shall report to the Chancellor for communication to the Visitor such action, if any, as it is proposed to take or has been taken upon the results of such inspection or inquiry. Such report shall be submitted within such time as the Chancellor may direct through the Court, which may express its opinion thereon.

(5) Where the Executive Council does not, within a reasonable time, take action to the satisfaction of the Chancellor, the Chancellor may, after considering any explanation furnished or representation made by the Executive Council, issue such directions as he may think fit, and the Executive Council shall comply with such directions.

OFFICERS OF THE UNIVERSITY.

Officers of the University.

8. The following shall be the officers of the University:—

- (1) The Chancellor,
- (2) The Vice-Chancellor,

- (3) The Treasurer,
- (4) The Registrar,
- (5) The Deans of the Faculties, and
- (6) Such other officers as may be declared by the Statutes to be officers of the University.

9. (1) The Chancellor shall be the Governor of the United Provinces. The Chancellor. He shall by virtue of his office be the head of the University and the President of the Court, and shall when present preside at meetings of the Court and at any Convocation of the University. •

(2) The Chancellor shall have such powers as may be conferred on him by this Act or the Statutes.

(3) Every proposal for the conferment of an honorary degree shall be subject to the confirmation of the Chancellor.

10. (1) The Vice-Chancellor shall be appointed by the Chancellor The Vice-Chancellor. after consideration of the recommendations of the Executive Council, and shall hold office for such term and subject to such conditions as may be prescribed by the Statutes.

(2) Where any temporary vacancy in the office of the Vice-Chancellor occurs by reason of leave, illness or other cause, the Executive Council shall as soon as possible, subject to the approval of Chancellor, make such arrangements for carrying on the office of the Vice-Chancellor as it may think fit. Until such arrangements have been made, the Registrar shall carry on the current duties of the office of the Vice-Chancellor.

11. (1) The Vice-Chancellor shall be a whole-time officer of the University. Powers and duties of the Vice-Chancellor. He shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor, preside at meetings of the Court and at any Convocation of the University. He shall be an *ex-officio* member and Chairman of the Executive Council and of the Academic Council, and shall be entitled to be present and to speak at any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of the authority or body concerned.

(2) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes and the Ordinances are faithfully observed, and he shall have all powers necessary for this purpose.

(3) The Vice-Chancellor shall have power to convene meetings of the Court, of the Executive Council and of the Academic Council: Provided that he may delegate this power to any other officer of the University.

(4) (a) In any emergency which, in the opinion of the Vice-Chancellor, requires that immediate action should be taken, the Vice-Chancellor shall take such action as he deems necessary, and shall at the

earliest opportunity thereafter report his action to the officer, authority or other body who or which in the ordinary course would have dealt with the matter.

(b) When action taken by the Vice-Chancellor under sub-clause (a) affects any person in the service of the University such person shall be entitled to prefer an appeal to the said officer, authority or other body within fifteen days from the date on which such action is communicated to him.

(5) The Vice-Chancellor shall give effect to the orders of the Executive Council regarding the appointment, dismissal and suspension of the officers and teachers of the University, and shall exercise general supervision over the educational arrangements of the University. He shall be responsible for the discipline of the University in accordance with this Act, the Statutes and the Ordinances.

(6) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and the Ordinances.

The Treas-
urer.

12. (1) The Treasurer shall be appointed by the Chancellor after consideration of the recommendations of the Executive Council, upon such conditions and for such period, and shall receive such remuneration (if any) from the funds of the University as the Executive Council shall deem fit.

(2) Where any temporary vacancy in the office of the Treasurer occurs by reason of leave, illness or other cause, the Executive Council shall forthwith, subject to the approval of the Chancellor, make such arrangements for carrying on the office of the Treasurer as it may think fit.

(3) The Treasurer shall exercise general supervision over the funds of the University, and shall advise in regard to its financial policy.

(4) He shall be an *ex-officio* member of the Executive Council, and shall, subject to the control of the Executive Council, manage the property and investments of the University. He shall be responsible for the presentation of the annual estimates and statement of accounts.

(5) Subject to the powers of the Executive Council, he shall be responsible for seeing that all moneys are expended on the purpose for which they are granted or allotted.

(6) All contracts shall be signed by the Treasurer on behalf of the University.

(7) He shall exercise such other powers as may be prescribed by the Statutes and the Ordinances.

The Regis-
trar.

13. The Registrar shall be a whole-time officer of the University, and shall act as Secretary of the Court, of the Executive Council and of the

Academic Council. He shall exercise such powers and perform such duties as may be prescribed by the Statutes and the Ordinances.

14. The powers of officers of the University other than the Chancellor, Other officers, the Vice-Chancellor, the Treasurer and the Registrar, shall be prescribed by the Statutes and the Ordinances.

AUTHORITIES OF THE UNIVERSITY.

15. The following shall be the authorities of the University:—

Authorities
of the Uni-
versity.

- (1) The Court,
- (2) The Executive Council,
- (3) The Academic Council,
- (4) The Committee of Reference,
- (5) The Faculties, and
- (6) Such other authorities as may be declared by the Statutes to be authorities of the University.

16. (1) The Court shall consist of the following persons, namely:— The Court.

Class I.—Ex-officio members.

- (i) The Chancellor,
- (ii) The Vice-Chancellor,
- (iii) The Treasurer,
- (iv) The Registrar,
- (v) The Principals and Provosts,
- (vi) The Professors and Readers, and
- (vii) Such other *ex-officio* members as may be prescribed by the Statutes.

Class II.—Life-members.

- (i) Persons (if any) appointed by the Chancellor to be life-members on the ground that they have rendered great services to education.
- (ii) All persons who have made donations of not less than twenty thousand rupees to or for the purposes of the University.

Class III.—Other members.

- (i) Persons elected by the British Indian Association of Oudh from their own body.
- (ii) Graduates of the University elected by the registered graduates from their own body.
- (iii) Persons elected from their own body by the teachers other than Professors and Readers.

- (iv) Persons appointed by the Chancellor.
- (v) Persons elected by associations or other bodies approved in this behalf by the Chancellor on the recommendation of the Court.
- (vi) Persons elected from their own body by donors to or for the purposes of the University of such amount as may be prescribed by the Statutes.

(2) The number of members to be elected or appointed under each head of class III and their tenure of office shall be prescribed by the Statutes and the mode of election of members to be elected under heads (ii), (iii) and (vi) of class III shall be prescribed by the Ordinances.

Meetings of
the Court.

17. (1) The Court shall, on a date to be fixed by the Vice-Chancellor, meet once a year at a meeting to be called the annual meeting of the Court.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall, upon a requisition in writing signed by not less than thirty members of the Court, convene a special meeting of the Court.

Powers and
duties of
the Court.

18. Subject to the provisions of this Act, the Court shall exercise the following powers and perform the following duties, namely:—

- (a) of making Statutes, and of amending or repealing the same,
- (b) of considering and cancelling Ordinances,
- (c) of considering and passing resolutions on the annual report, the annual accounts and the financial estimates, and
- (d) of electing members to serve on the Committee of Reference,

and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

The Execu-
tive Council.

19. The Executive Council shall be the executive body of the University, and its constitution and the terms of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes.

Powers and
duties of the
Executive
Council.

20. The Executive Council—

- (a) shall hold, control and administer the property and funds of the University, and for these purposes shall appoint from among its own members a Finance Committee to advise it on matters of finance. The Treasurer shall be Chairman of the Finance Committee, and at least one member of the Committee shall be a member elected to the Executive Council by the Court;
- (b) shall direct the form, custody and use of the Common Seal of the University;
- (c) shall, subject to the powers conferred by this Act on the Vice-Chancellor, regulate and determine all matters concerning

the University in accordance with this Act, the Statutes and the Ordinances:

Provided that no action shall be taken by the Executive Council in respect of the appointment of, and fees paid to examiners, and the number, qualifications and the emoluments of teachers otherwise than after consideration of the recommendations of the Academic Council;

- (d) shall lay before the Local Government annually a full statement of all the requests received by it for financial assistance from any institution associated with the University, together with its views thereon;
- (e) shall administer any funds placed at the disposal of the University for specific purposes;
- (f) save as otherwise provided by this Act or the Statutes, shall appoint the officers (other than the Chancellor, the Vice-Chancellor and the Treasurer), teachers and other servants of the University, and shall define their duties and the conditions of their service, and shall provide for the filling of temporary vacancies in their posts;
- (g) shall have power to accept transfers of any movable or immovable property on behalf of the University;
- (h) shall appoint examiners after consideration of the recommendations of the Academic Council;
- (i) shall publish the results of the University examinations;
- (j) shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes; and
- (k) shall exercise all other powers of the University not otherwise provided for by this Act or the Statutes.

21. The Academic Council shall be the academic body of the University, and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation, and be responsible for the maintenance of standards of teaching and examination within the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes. It shall have the right to advise the Executive Council on all academic matters. The constitution of the Academic Council and the term of office of its members, other than *ex-officio* members, shall be prescribed by the Statutes. The Academic Council.

22. (1) The Committee of Reference shall consist of the Vice-Chancellor, the Treasurer, and thirteen members of the Court elected by it in such manner and holding office for such term as may be prescribed by the Statutes. The Committee of Reference.

(2) The Committee of Reference shall deal with items of new expenditure only and its powers and duties in respect of such items shall be prescribed by the Statutes.

The Faculties.

23. (1) The University shall include the Faculties of Arts, Science, Medicine, Law and Commerce and such other Faculties (whether formed by the sub-division or combination of an existing Faculty or Faculties, or by the creation of a new Faculty or otherwise) as may be prescribed by the Statutes. Each Faculty shall, subject to the control of the Academic Council, have charge of the teaching and the courses of study and the research work in such subjects as may be assigned to such Faculty by the Ordinances.

(2) The constitution and powers of the Faculties shall be prescribed by the Statutes.

(3) There shall be a Dean of each Faculty, who shall be elected in the manner laid down in sub-section (5) and shall be responsible for the due observance of the Statutes, Ordinances and Regulations relating to the Faculty.

(4) Each Faculty shall comprise such Departments of teaching as may be prescribed by the Ordinances. The head of every such Department shall be the Professor of the Department or, if there is no Professor, the Reader. If there is more than one Professor or more than one Reader of a Department, as the case may be, the Vice-Chancellor shall appoint such Professor or Reader to be head of the Department as he thinks fit. The head of the Department shall be responsible to the Dean for the organization of the teaching in that Department.

(5) The Deans of Faculties shall be elected by the Faculty from among the heads of Departments of the Faculty. The Dean shall receive in respect of his duties as Dean such additional remuneration (if any) as shall be fixed by the Executive Council, and shall hold office as Dean for such term as may be prescribed by the Statutes.

Other authorities of the University.

24. The constitution, powers and duties of such other authorities as may be declared by the Statutes to be authorities of the University shall be provided for in the manner prescribed by the Statutes.

UNIVERSITY BOARDS.

University Boards.

25. The University shall include a Residence, Health and Discipline Board and such other Boards as may be prescribed by the Statutes.

Constitution, etc., of Boards to be prescribed by Ordinances.

26. The constitution, powers and duties of the Residence, Health and Discipline Board and of all other Boards of the University shall be prescribed by the Ordinances.

STATUTES, ORDINANCES, AND REGULATIONS.

27. Subject to the provisions of this Act, the Statutes may provide for Statutes. all or any of the following matters, namely:—

- (a) the conferment of honorary degrees;
- (b) the institution of Fellowships, Scholarships, Exhibitions, Medals and Prizes;
- (c) the term of office and conditions of service of the Vice-Chancellor;
- (d) the designations and powers of the officers of the University;
- (e) the constitution, powers and duties of the authorities of the University.
- (f) the institution and maintenance of Colleges and Halls and the management of the same;
- (g) the mode of appointment of the Professors and Readers of the University;
- (h) the constitution of pension and provident funds for the benefit of the officers, teachers and other servants of the University;
- (i) the maintenance of a register of registered graduates; and
- (j) all matters which by this Act are to be or may be prescribed by the Statutes.

28. (1) The first Statutes shall be those set out in the Schedule.

(2) The Statutes may be amended, repealed or added to by Statutes ^{Statutes} _{how made.} made by the Court in the manner hereinafter appearing.

(3) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court. Such draft shall be considered by the Court at its next meeting. The Court may approve such draft and pass the Statute, or may reject it or return it to the Executive Council for reconsideration, either in whole or in part, together with any amendments which the Court may suggest.

(4) Where any Statute has been passed or a draft of a Statute has been rejected by the Court, it shall be submitted to the Chancellor, who may refer the Statute or draft back to the Court for further consideration or, in the case of a Statute passed by the Court, assent thereto or withhold his assent. A Statute passed by the Court shall have no validity until it has been assented to by the Chancellor.

(5) The Executive Council shall not propose the draft of any Statute affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing

and shall be considered by the Court, and shall be submitted to the Chancellor.

Ordinances. **29.** Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—

- (a) the admission of students to the University;
- (b) the courses of study to be prescribed for all degrees and diplomas of the University;
- (c) the conditions under which students shall be admitted to the degree or diploma courses and to the examinations of the University and shall be eligible for degrees and diplomas;
- (d) the conditions of residence of the students of the University, the levying of fees for residence in Colleges and Halls and the recognition of Colleges and Halls not maintained by the University;
- (e) the number, qualifications and emoluments of teachers of the University;
- (f) the fees to be charged for courses of study in the University and admission to the examinations, degrees and diplomas of the University;
- (g) the giving of religious instruction;
- (h) the formation of Departments of teaching in the Faculties;
- (i) the constitution, powers and duties of the Boards of the University;
- (j) the conditions and mode of appointment and duties of examiners and the conduct of examinations; and
- (k) all matters which by this Act or the Statutes are to be or may be provided for by the Ordinances.

Ordinances how made. **30.** (1) Save as otherwise provided in this section, Ordinances shall be made by the Executive Council:

Provided that no Ordinance shall be made—

- (a) affecting the admission of students, or prescribing examinations to be recognised as equivalent to the University examinations or the further qualifications mentioned in sub-section (2) of section 34 for admission to the degree courses of the University, unless a draft of the same has been proposed by the Academic Council, or
- (b) affecting the conditions and mode of appointment and duties of examiners and the conduct or standard of examinations or any course of study, except in accordance with a proposal of the Faculty or Faculties concerned, and unless a draft of such Ordinance has been proposed by the Academic Council,
or

- (c) affecting the number, qualifications and emoluments of teachers of the University, unless a draft of the same has been proposed by the Academic Council, or
- (d) affecting the conditions of residence of students, except after consultation with the Residence, Health and Discipline Board.

(2) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (1), but may reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(3) All Ordinances made by the Executive Council shall be submitted, as soon as may be, to the Chancellor and the Court, and shall be considered by the Court at its next meeting. The Court shall have power, by a resolution passed by a majority of not less than two-thirds of the members present at such meeting to cancel any such Ordinance, and such Ordinance shall, from the date of such resolution, be void.

(4) The Chancellor may, at any time after any Ordinance has been considered by the Court, signify to the Executive Council his disallowance of such Ordinance, and, from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall become void.

(5) The Chancellor may direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court, whichever period expires later.

(6) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Chancellor who, after obtaining the views of the Executive Council, may, if he approves the draft, make the Ordinance. An Ordinance made under this sub-section shall cease to have effect from the date of the next meeting of the Court unless confirmed by it.

31. (1) The authorities and the Boards of the University may make Regulations. Regulations consistent with this Act, the Statutes and the Ordinances—

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;
- (b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations; and

(c) providing for all other matters solely concerning such authorities and Boards and not provided for by this Act, the Statutes and the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings, and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment, in such manner as it may specify, of any Regulation made under this section or the annulment of any Regulation made under sub-section (1):

Provided that any authority or Board of the University which is dissatisfied with any such direction may appeal to the Chancellor, who, after obtaining the views of the Executive Council, may pass such orders as he thinks fit.

RESIDENCE: COLLEGES AND HALLS.

Residence. **32.** Every student of the University shall reside in a College or Hall, or under such conditions as may be prescribed by the Statutes and the Ordinances. •

Colleges and Halls. **33.** (1) Colleges and Halls maintained by the University shall be such as may be named by the Statutes.

(2) Colleges and Halls other than those maintained by the University shall be recognized by the Executive Council on such general or special conditions as may be prescribed by the Ordinances.

(3) The conditions of residence in Colleges and Halls shall be prescribed by the Ordinances, and every College or Hall shall be subject to inspection by any member of the Residence, Health and Discipline Board, authorized in this behalf by the Board and by any officer of the University authorized in this behalf by the Executive Council.

(4) The Executive Council shall have power to suspend or withdraw the recognition of any College or Hall which is not conducted in accordance with the conditions prescribed by the Ordinances:

Provided that no such action shall be taken without affording the Committee of Management of such College or Hall an opportunity of making such representation as it may deem fit.

ADMISSIONS AND EXAMINATIONS.

Admission to University courses. **34.** (1) Admission of students to the University shall be made by an admission committee (including at least one Principal and one Provost) appointed for that purpose by the Academic Council.

(2) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination of

an Indian University incorporated by any law for the time being in force, or an examination recognized in accordance with the provisions of this section as equivalent thereto, and possess such further qualifications (if any) as may be prescribed by the Ordinances :

Provided that until such recognized examination be established students who have passed an examination for admission instituted by the University in accordance with the Ordinances shall be eligible for admission.

(3) The conditions under which students may be admitted to the diploma courses of the University shall be prescribed by the Ordinances.

(4) The University shall not, save with the previous sanction of the Governor General in Council, recognize (for the purpose of admission to a course of study for a degree), as equivalent to its own degrees, any degree conferred by any other University, or, as equivalent to the Intermediate Examination of an Indian University, any examination conducted by any other authority.

35. (1) All arrangements for the conduct of examinations shall be made by the Academic Council in such manner as may be prescribed by this Act and the Ordinances. Examinations.

(2) If any examiner is for any cause incapable of acting as such, the Vice-Chancellor shall appoint an examiner to fill the vacancy.

(3) At least one examiner who is not a member of the University shall be appointed for each subject included in a Department of teaching and forming part of the course which is required for a University degree.

(4) The Academic Council shall appoint committees, consisting of members of its own body or of other persons or of both, as it thinks fit, to moderate examination questions and to report the results of the examinations to the Executive Council for publication.

ANNUAL REPORT AND ACCOUNTS.

36. The annual report of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Court on or before such date as may be prescribed by the Statutes, and shall be considered by the Court at its annual meeting. The Court may pass resolutions thereon and communicate the same to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit. Annual report.

37. (1) The annual accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Local Government for the purposes of audit. Annual accounts.

(2) The accounts, when audited, shall be published by the Executive Council in the Gazette, and copies thereof shall, together with copies of the audit report, if any, be submitted to the Court, to the Local Government and to the Visitor.

(3) The Executive Council shall also prepare before such date as may be prescribed by the Statutes a statement of the financial estimates for the ensuing year.

(4) Every item of new expenditure of or above such amount as may be prescribed by the Statutes which it is proposed to include in the financial estimates shall be referred by the Executive Council to the Committee of Reference which may make recommendations thereon.

(5) The Executive Council shall, after considering the recommendations (if any) of the Committee of Reference, submit the financial estimates as finally approved by it to the Court with such recommendations.

(6) The annual accounts and the financial estimates shall be considered by the Court at its annual meeting and the Court may pass resolutions with reference thereto and communicate the same to the Executive Council which shall take them into consideration and take such action thereon as it thinks fit:

Provided that where there has been a disagreement between the Executive Council and the Committee of Reference upon any item of expenditure referred to it under sub-section (4), the decision of the Court thereon shall be final.

SUPPLEMENTARY PROVISIONS.

Removal of names from University authorities or bodies, or from register of registered graduates. Disputes as to constitution of University authorities and bodies.

38. The Chancellor may, on the recommendation of not less than two-thirds of the members of the Executive Council, remove the name of any person from any of the authorities or other bodies of the University or from the register of registered graduates.

39. If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Chancellor, whose decision thereon shall be final.

Constitution of committees.

40. Where any authority of the University is given power by this Act or the Statutes to appoint committees, such committees shall, unless otherwise provided, consist of members of the authority concerned and of such other persons (if any) as the authority in each case may think fit.

Filling of casual vacancies.

41. All casual vacancies among the members (other than *ex-officio* members) of any authority or other body of the University shall be filled as soon as conveniently may be by the person or body who appointed,

elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

42. No act or proceeding of any authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of University authorities and bodies not invalidated by vacancies. Conditions of service.

43. (1) Every salaried officer and teacher of the University shall be appointed on a written contract. The contract shall be lodged with the Registrar of the University, and a copy thereof shall be furnished to the officer or teacher concerned.

(2) Any member of the public services in India whom it is proposed to appoint to a post in the University shall, subject to the approval of such appointment by the Government, have the option—

(i) of having his services lent to the University for a specified period and remaining liable to recall to Government service at the discretion of the Government at the end of that period, or

(ii) of resigning Government service on entering the service of the University.

44. Any dispute arising out of a contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned, be referred to a Tribunal of arbitration consisting of one member appointed by the Executive Council, one member nominated by the officer or teacher concerned, and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Indian Arbitration Act, 1899,¹ and all the provisions of that Act, with the exception of section thereof, shall apply accordingly.

Tribunal of arbitration.

IX of 1899.

45. (1) The University shall constitute for the benefit of its officers, teachers and other servants such pension and provident funds as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.

Pension and provident funds.

(2) Where such a pension or provident fund has been so constituted, the Governor General in Council may declare that the provisions of the Provided Funds Act, 1897,² shall apply to such fund as if it were a Government Provident Fund.

¹ Genl. Acts, Vol. V.

² Genl. Acts, Vol. IV.

Territorial
exercise of
powers.

46. Save as otherwise provided in this Act, the powers of the University conferred by or under this Act shall not extend beyond a radius of ten miles from the Convocation Hall of the University. Notwithstanding anything in any other law for the time being in force, no educational institution beyond that limit shall be associated with or admitted to any privileges of the University, and no educational institution within that limit, save with the sanction of the Chancellor, shall be associated in any way with or seek admission to any privileges of any other University incorporated by law in British India, and any such privileges granted by any such other University to any educational institution within that limit prior to the commencement of this Act shall be deemed to be withdrawn on the commencement of this Act:

Provided that, subject to the sanction of the Local Government, nothing in this section shall apply to any agricultural or other technical institution established and maintained by the University.

TRANSITORY PROVISIONS.

Completion
of courses for
students at
Lucknow
Colleges.

47. Notwithstanding anything contained in this Act or the Ordinances, any student of King George's Medical College, Canning College, the Lucknow Christian College or the Isabella Thoburn College who, immediately prior to the commencement of this Act, was studying for any examination of the Allahabad University higher than the Intermediate Examination shall be permitted to complete his course in preparation therefor, and the University shall provide for such students instruction and examinations in accordance with the Prospectus of Studies of the Allahabad University. Until such examinations be provided every such student may, notwithstanding anything contained in the Indian Universities Act, 1904,¹ be admitted to the examinations of the VIII of 1901. Allahabad University.

Appointment
of first Vice-
Chancellor.

48. The first Vice-Chancellor may be appointed at any time after the passing of this Act. Such appointment shall, notwithstanding anything contained in sub-section (1) of section 10, be made by the Chancellor for a period of not more than five years on such conditions as he thinks fit.

First appoint-
ments of Uni-
versity staff.

49. (1) At any time after the passing of this Act and until such time as the authorities of the University shall have been duly constituted -

- (a) the Treasurer may be appointed by the Chancellor;
- (b) any other officers of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor;
- (c) teachers of the University shall be appointed by the Chancellor after considering the recommendations of an Advisory Committee consisting of the Vice-Chancellor, the Director of

¹ Genl. Acts, Vol. VI.

Public Instruction, United Provinces, and such other person or persons, if any, as the Chancellor thinks fit to associate with them.

(2) Any appointment made under sub-section (1) shall be for such period and on such conditions as the appointing authority thinks fit:

Provided that any such appointment of a person not on the staff of King George's Medical College or Canning College shall be for a period of not more than five years:

Provided further that no such appointment shall be made until financial provision has been made therefor.

5. At any time after the passing of this Act the Vice-Chancellor may with the previous approval of the Chancellor and subject to financial provision being made therefor, take such action, consistent so far as may be with the provisions of this Act and the Statutes, as he may think necessary for the purpose of bringing the University into being, and for that purpose may exercise any power which by this Act or the Statutes is to be conferred on any officer or authority of the University.

51. Until a Governor is appointed for the United Provinces references in this Act to the Governor of the United Provinces shall be deemed to be references to the Lieutenant-Governor.

Extraordinary powers of the Vice-Chancellor.
Interpretation of references to the Governor of the United Provinces.

THE SCHEDULE.

THE FIRST STATUTES OF THE UNIVERSITY.

[See section 28 (1).]

1. In these Statutes, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Lucknow University Act, 1920, and "section" means a section of the Act; and
- (b) "officers," "authorities," "Professors," "Readers," "Lecturers," "servants" and "registered graduates" mean, respectively, officers, authorities, Professors, Readers, Lecturers, servants and registered graduates of the University.

2. (1) In addition to the officers mentioned in sub-section (1) of section 16, the following persons shall be *ex-officio* members of the Court, namely:—

Constitution of the Court.

- (i) the members of the Executive Council of the Governor of the United Provinces, and the Minister or Ministers appointed

by the Governor of the United Provinces under sub-section (I) of section 52 of the Government of India Act:

- (ii) the President and Vice-President of the British Indian Association of Oudh;
- (iii) the Vice-Chancellor of the University of Allahabad;
- (iv) the Judicial Commissioner of Oudh;
- (v) the Commissioners of the Lucknow and Fyzabad divisions;
- (vi) the Director of Public Instruction, United Provinces;
- (vii) if at any time there be established in the United Provinces a Board of Intermediate Education, then the Chairman thereof;
- (viii) the Director of Industries, United Provinces;
- (ix) the Inspector-General of Civil Hospitals, United Provinces;
- (x) the Sanitary Commissioner, United Provinces;
- (xi) the Chairman of the Lucknow Municipality and the Lucknow District Board;
- (xii) the Chief Inspectress of Girls' Schools;
- (xiii) the Proctor of the University;
- (xiv) the Librarian of the University; and
- (xv) the Heads of all educational institutions in the Lucknow and Fyzabad divisions which prepare students for an examination recognized under clause (2) read with clause (4) of section 34 of the Act as qualifying for admission to the University.

(2) The number of persons to be elected as members of the Court by the British Indian Association of Oudh from their own body shall be ten.

(3) The number of graduates to be elected as members of the Court by the registered graduates from their own body shall be twenty.

(4) The number of persons to be elected as members of the Court by the teachers other than Professors and Readers from their own body shall be twenty.

(5) The number of persons to be appointed as members of the Court by the Chancellor shall be twenty.

(6) The number of persons to be elected as members of the Court by associations or other bodies approved in this behalf by the Chancellor shall not exceed ten.

(7) Thirty persons shall be elected from their own body as members of the Court by donors of a sum of not less than five hundred rupees and not more than twenty thousand rupees to or for the purposes of the University.

(8) Save as otherwise provided, members of the Court other than *ex-officio* members shall hold office for a period of three years :

Provided that teachers elected under head (ii) of class III of sub-section (1) of section 16 shall hold office so long only within the said period as they continue to be teachers.

3. (1) The members of the Executive Council, in addition to the Vice-Chancellor and the Treasurer, shall be—

Constitution
of the Execu-
tive Council.

Class I.—Ex-officio members.

- (i) The Judicial Commissioner of Oudh.
- (ii) The Deans of the Faculties

Class II.—Other members.

- (i) Six members of the Court, of whom two shall be members of the British Indian Association of Oudh, elected by the Court at its annual meeting.
- (ii) Two Principals elected by the Principals and one Provost elected by the Provosts.
- (iii) Two members elected by the Academic Council from its own body.
- (iv) Four members appointed by the Chancellor.

(2) Members other than *ex-officio* members shall hold office for a period of three years :

Provided that members elected by the Court or by the Academic Council shall hold office so long only within the said period as they continue to be members of the Court or of the Academic Council respectively.

4. Subject to the provisions of the Act, the Executive Council shall have the following powers, namely :—

Powers of the
Executive
Council.

- (a) to institute, at its discretion, such Professorships, Readerships, Lectureships, or other teaching posts as may be proposed by the Academic Council;
- (b) to abolish or suspend, after report from the Academic Council thereon, any Professorship, Readership, Lectureship, or other teaching post;
- (c) to appoint, in accordance with the Statutes, officers, teachers and other servants of the University;
- (d) to appoint examiners after considering the recommendations of the Academic Council;
- (e) to delegate, subject to such conditions as may be prescribed by Regulations made by the Executive Council, its power to appoint examiners, officers, teachers, and other servants of

the University to such person or authority as the Executive Council may determine;

- (f) to manage and regulate the finances, accounts, investments, property, and all administrative affairs whatsoever of the University, and for that purpose to appoint such agents as it may think fit;
- (g) to accept bequests, donations, and transfers of property to the University;

Provided that all such bequests, donations and transfers shall be reported to the Court at its next meeting;

- (h) to provide the buildings, premises, furniture, apparatus, equipment, and other means needed for carrying on the work of the University;
- (i) after report from the Finance Committee to enter into, vary, carry out, and cancel contracts on behalf of the University; and
- (j) to invest any moneys belonging to the University, including any unapplied income, in any of the securities described in section 20 of the Indian Trusts Act, 1882,¹ or in the 11 of 1882 purchase of immovable property in India, with the like power of varying such investments; or to place on fixed deposit in any bank approved in this behalf by the Local Government any portion of such monies not required for immediate expenditure.

The Academic Council. 5. (I) The members of the Academic Council, in addition to the Vice-Chancellor, shall be:—

Class I.—Ex-officio members.

- (i) The Deans of the Faculties;
- (ii) The Librarian of the University;
- (iii) The Proctor of the University;
- (iv) The Professors and Readers; and
- (v) The Principals.

Class II.—Other members.

- (i) One Provost nominated by the Vice-Chancellor;
- (ii) Two members elected by the lecturers from their own body; and
- (iii) Persons, if any, not exceeding three in number and not being teachers, appointed by the Chancellor on account of their possessing expert knowledge in such subjects of study as

¹ Genl. Acts, Vol. III.

may be selected by the Academic Council as constituted under class I and heads (i) and (ii) of class II.

(2) The Academic Council as constituted under sub-clause (1) shall co-opt as members teachers of the University not exceeding one-tenth of its number as so constituted.

(3) Members other than *ex-officio* members shall hold office for a period of three years:

Provided that Lecturers elected under head (ii) of class II and teachers of the University co-opted as such shall hold office so long only within the said period as they continue to be lecturers and teachers respectively.

6. The Academic Council shall have the following powers, namely:— Powers of
the Academic
Council.

- (a) to make proposals to the Executive Council for the institution of Professorships, Readerships, Lectureships or other teaching posts, and in regard to the duties and emoluments thereof;
- (b) to make Regulations for and to award in accordance with such Regulations, Fellowships, Scholarships, Exhibitions, Bursaries, Medals and other rewards;
- (c) to recommend the appointment of examiners after report from the Faculties concerned;
- (d) to control and manage the University Library or Libraries, to frame Regulations regarding their use, and to appoint a Library Committee under the general control of the Academic Council to manage the affairs of the Library;
- (e) to formulate, modify or revise, subject to the control of the Executive Council, schemes for the constitution or re-constitution of Faculties and for the assignment of subjects to such Faculties;
- (f) to assign teachers to the Faculties; and
- (g) to promote research within the University, and to require reports on such research from the persons engaged therein.

7. (1) The items of new expenditure in the financial estimates to be referred by the Executive Council to the Committee of Reference shall be— Powers of the
Committee of
Reference.

- (a) in the case of non-recurring expenditure, any item of ten thousand rupees or over, and
- (b) in the case of recurring expenditure, any item of three thousand rupees or over.

(2) The Committee of reference shall, on or before such date as may be prescribed in this behalf by the Ordinances, consider all items of ex-

penditure referred to them by the Executive Council under sub-clause (1), and shall make and communicate to the Executive Council as soon as may be, their recommendations thereon.

(3) If the Executive Council, at any time after the consideration of the annual financial estimates by the Court, proposes any revision thereof involving recurring or non-recurring expenditure of the amounts respectively referred to in sub-clause (1), the Executive Council shall refer the proposal to the Committee of Reference which may require that the proposal shall be laid before the Court for its decision thereon.

(4) The Committee of Reference shall be entitled to inspect any reports from the Executive Council or the Academic Council relating to any item of proposed expenditure referred to the Committee under sub-clause (1) or sub-clause (3), and to require that the proposal shall be considered at a joint meeting of the Committee and of the Executive Council. At any such joint meeting the Vice-Chancellor shall preside.

The Facul-
ties.

8. (1) Each Faculty shall consist of--

- (i) the Professors and Readers of the Departments comprised in the Faculty;
- (ii) such teachers of subjects assigned to the Faculty as may be appointed to the Faculty by the Academic Council;
- (iii) such teachers of subjects not assigned to the Faculty but having, in the opinion of the Academic Council, an important bearing on subjects so assigned as may be appointed to the Faculty by the Academic Council; and
- (iv) Such other persons as may be appointed to the Faculty by the Academic Council on account of their possessing expert knowledge in a subject or subjects assigned to the Faculty.

(2) The total number of members of each Faculty shall not exceed in the case of the Faculties of Arts and Science thirty, and in the case of any other Faculty fifteen, except with the sanction of the Chancellor given on the request of the Academic Council.

Powers of the
Faculties.

9. Subject to the provisions of the Act, each Faculty shall have the following powers, namely:—

- (a) to constitute Committees of Courses and Studies;
- (b) to recommend to the Academic Council, after consulting the Committees of Courses and Studies, the names of examiners in subjects assigned to the Faculty.

Board of Co-
ordination.

10. There shall be a Board of Co-ordination composed of the Vice-Chancellor, who shall be Chairman thereof, the Deans of the Faculties and the Registrar, to organize the teaching of the University, and in

particular to co-ordinate the work and time-tables of the various Faculties, and to assign lecture rooms, laboratories, and other rooms to the Faculties.

11. (1) The Dean of each Faculty shall be the executive officer of the Faculty, and shall preside at its meetings. He shall hold office for three years.

(2) He shall issue the lecture lists of the University in the Departments comprised in the Faculty, and shall be responsible for the conduct of teaching therein.

(3) He shall have the right to be present and to speak at any meeting of any committee of the Faculty, but not to vote unless he is a member of the committee.

12. (1) Every College and Hall not maintained by the University shall be managed by a Committee of Management the constitution of which shall be reported to the Executive Council. Management of Colleges and Halls.

(2) The appointment of the teachers and superintending staff of every such College or Hall shall be made by the Committee of Management thereof and all such appointments shall be reported to the Executive Council.

(3) Every student not residing in a College or Hall shall be attached to a College or Hall for tutorial help and disciplinary supervision, and for such other purposes as may be prescribed by the Ordinances.

13. The Court may, on the recommendation of the Executive Council, by a resolution passed with the concurrence of not less than two-thirds of the members present at the meeting, withdraw any degree or diploma conferred by the University. Withdrawal of degrees and diplomas

14. (1) All proposals for the conferment of honorary degrees shall be made by the Academic Council to the Executive Council, and shall require the assent of the Court before submission to the Chancellor for confirmation: Honorary degrees.

Provided that in cases of urgency the Chancellor may act on the recommendation of the Executive Council only.

(2) Any honorary degree conferred by the University may, with the sanction of the Chancellor, be withdrawn by the Court on the recommendation of the Executive Council.

15. The following persons shall, on payment of such fees and subject to such conditions as may be prescribed by the Statutes, be entitled to have their names enrolled in the register of registered graduates and to enjoy all the privileges of registration, namely:— Registered graduates.

(a) all graduates of three years' standing or upwards of any University in British India incorporated by any law for the time being in force or of any University in the United Kingdom,

who ordinarily reside in Oudh and within five years from the commencement of the Act apply to the University to be granted *ad eundem* degrees of the University;

- (b) all graduates of the University of three years' standing and upwards.

Officers.

16. There shall be the following officers, namely:—

- (i) a Proctor for the maintenance of the general discipline of the University, to whom the Vice-Chancellor may delegate such of his disciplinary powers as he may think fit; and
- (ii) a Librarian for the University Library.

Committees
of selection
in India.

17. (1) Subject to the provisions of clause (c) of sub-section (1) of section 49 and of clause 18, appointments to Professorships and Readerships shall be made on the nomination of committees of selection constituted for the purposes as follows, namely: ---

- (i) the Vice-Chancellor,
- (ii) the Dean of the Faculty concerned;
- (iii) two members elected by the Executive Council;
- (iv) two members elected by the Academic Council; and
- (v) three members, two of whom shall not be officers of the University or teachers, appointed by the Chancellor.

(2) Committees of selection appointed under sub clause (1) shall report to the Executive Council which shall, if it accepts the nomination of the committee, make the appointment to the post accordingly. If the Executive Council does not accept the nomination of the committee, it shall refer the case to the Chancellor, who shall make such appointment as he thinks fit.

Committees
of selection
in the United
Kingdom.

18. (1) Of the Professorships not less than one-fourth shall be filled on the nomination of committees of selection constituted for the purpose in the United Kingdom.

(2) Such committees of selection shall be constituted as follows, namely:—

- (i) two members resident in the United Kingdom appointed by the Academic Council, and
- (ii) if the Secretary of State for India thinks fits, three members resident in the United Kingdom appointed by the said Secretary of State.

(3) The Executive Council shall consider the report of a committee of selection constituted under sub-clause (2), and shall, if it accepts the nomination of the committee, make the appointment to the post accordingly. If the Executive Council does not accept the nomination of the

committee, it shall refer the case to the Chancellor, who shall make such appointment as he thinks fit.

(4) Nothing in this clause shall apply to appointments made by the Chancellor under clause (c) of sub-section (I) of section 49.

19. Appointments to teaching posts other than Professorships and Readerships shall, subject to the provisions of the Act and the Statutes, be made in the manner prescribed by the Ordinances.

Appointment
of Lecturers
and other
teachers.

UNITED PROVINCES VILLAGE PANCHAYAT ACT, 1920.

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THE SCHEDULE.

UNITED PROVINCES ACT VI OF 1920.¹

[APPLIES TO THE UNITED PROVINCES.]

[29th October, 1920; 1st December, 1920.]

WHEREAS it is expedient to establish in the United Provinces of Agra and Oudh village panchayats to assist in the administration of civil and criminal justice, and also to effect improvements in the sanitation and other common concerns of villages; and whereas the previous sanction of the Governor General has been obtained under section 79 of the Government of India Act, 1915, to the passing of this Act; It is hereby enacted as follows:—

5 & 6 Geo.
5, c. 61.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the United Provinces Village Panchayat Act, 1920. Title, extent,
and com-
mencement.

(2) It extends to the territories for the time being administered by the Lieutenant-Governor of the United Provinces of Agra and Oudh.

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1920, Pt. VII, p. 93; for Report of Select Committee, see *ibid.* 1920, Pt. VII, p. 1047, and for Proceedings in Council, see *ibid.* 1920, Pt. VII, pp. 203, 1122 and 1150.

(3) It shall come into operation on such date as the Local Government may, in respect of any district or part of a district, by notification direct.

Act repealed. **2.** On and from the date on which this Act comes into operation in any local area—

- (a) the United Provinces Village Courts Act, 1892,¹ shall be deemed U. P. Act to be repealed in respect of such local area, and all courts III of 1892 established thereunder in such area shall be abolished;
- (b) all suits and other proceedings pending on such date in any village court in such local area under the said Act shall be transferred to the civil court of lowest grade having jurisdiction in respect of them:

Provided that if a panchayat having jurisdiction to try any suit so transferred is established in such local area within one month after the coming into operation of this Act in such area, the court to which such suit has been transferred may send it for disposal to such panchayat.

Definitions. **3.** In this Act unless there is anything repugnant in the subject or context,—

- (1) “case” means a criminal proceeding in respect of an offence triable by a panchayat;
- (2) “chaukidar” means a village policeman appointed under the Agra Village and Road Police Act, 1873,² or under the XVIII of 1874 Oudh Laws Act, 1876;²
- (3) “circle” means the area within which a panchayat exercises jurisdiction;
- (4) “notification” means a notification published in the Gazette;
- (5) “offence” means an offence as defined in clause (o), sub-section (1) of section 4 of the Code of Criminal Procedure, 1898;³ V of 1898.
- (6) “panchayat” means a panchayat constituted under this Act; and “panch” means a member of such a panchayat;
- (7) “prescribed” means prescribed by rules made under this Act;
- (8) “public servant” means a public servant as defined in section 21 of the Indian Penal Code;⁴ XLV of 1860
- (9) “suit” means a civil suit; and
- (10) “village” means any local area recorded as a village in the revenue records of the district in which it is situated; but does not include any area included in the limits of a municipality, cantonment, town area as defined in the United

¹ *Supra*, Vol. II.

² *Supra*, Vol. I.

³ Genl. Acts, Vol. I.

⁴ Genl. Acts, Vol. V.

U. P. Act II
of 1914.
U. P. Act II
of 1916.

Provinces Town Areas Act, 1914,¹ or notified area as defined in section 337 of the United Provinces Municipalities Act, 1916.¹

CHAPTER II.

ESTABLISHMENT, CONSTITUTION, AND SITTINGS OF PANCHAYATS.

4. In any district or part of a district to which this Act has been applied, the Collector may, in accordance with rules made under this Act, establish a panchayat within and for any village or group of adjacent villages. Establishment of panchayats.

5. A panchayat shall consist of such number of panches not being less than five or more than seven as the Collector may from time to time and in each case think suitable. Number of panches.

6. Panches shall be appointed by the Collector in the prescribed manner, and shall hold office for such period as may be prescribed: Appointment of panches.

Provided that no person not residing within the circle for which a panchayat has been established shall be eligible for appointment as panch of that panchayat.

7. In each panchayat, one panch shall be appointed by the Collector in the prescribed manner to preside over the panchayat. The panch so appointed shall be called sarpanch, and such powers and functions may be assigned to him as may be prescribed. Sarpanch.

8. The Collector may, by an order in writing, suspend or remove any panch or sarpanch for misconduct, incapacity, neglect of duty or other sufficient cause. Suspension and removal of panches.

9. When any panch dies, resigns or is removed the Collector may appoint a panch in the prescribed manner to fill his place: provided that no vacancy in the panchayat shall render its proceedings illegal so long as the number of panches is not reduced below three. Filling vacancies in panchayat.

10. The Collector, with the written approval of the Commissioner may, by an order in writing, suspend or dissolve any panchayat for misconduct, neglect of duty, or other sufficient cause. Suspension and dissolution of panchayat.

11. Any order passed by the Collector under section 8 or section 10 shall be final. Collector's order final.

12. A panchayat shall sit at such place or places within the limits of its circle as may be fixed by it with the approval of the Collector. Place of sitting of panchayat.

¹ *Supra*, Vol. II.

Quorum. 13. For the transaction of any business three panches, including the presiding panch, shall form a quorum.

Sarpanch to preside. 14. (1) The sarpanch shall preside over every meeting of the panchayat at which he is present. If he is absent, such panches as are present shall elect one of their number to preside at the meeting.

(2) No business shall be transacted at any meeting by the panchayat unless a panch, able to read and write, is present and presides at the meeting.

Records and registers. 15. (1) The panchayat shall maintain summary records and registers of its proceedings in the prescribed form.

(2) Such records and registers shall be written by the sarpanch or by the presiding panch with his own hand or under his immediate supervision by any other panch:

Provided that the panchayat may, subject to rules made under this Act, appoint a clerk to perform this work.

CHAPTER III.

JURISDICTION OF PANCHAYATS.

Suits cognizable by panchayats.

16. The following suits shall be cognizable by panchayats, namely:—

- (a) suits for money due on contracts not affecting any interest in immovable property,
- (b) suits for the recovery of movable property, or for the value of such property,
- (c) suits for compensation for wrongfully taking or injuring movable property,

when the amount or value of the claim does not exceed twenty-five rupees:

Provided that no suit shall be brought before any panchayat—

- (1) on a balance of partnership account;
- (2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will;
- (3) by or against the Government or a public officer in his official capacity;
- (4) by or against a minor or a person of unsound mind;
- (5) on account of any dispute or matter in respect of which any suit or application may be brought or made in a revenue court.

17. The following offences as well as abetments of and attempts to commit any such offence shall be cognizable by panchayats, namely:—

Offences cog-
nizable by
panchayats.

XLV of 1860.

Section.

(a) *Under the Indian Penal Code*¹—

Voluntarily causing hurt	323
Assault or use of criminal force otherwise than on grave provocation	352
Assault or use of criminal force on grave provocation	353
Theft where the value of the property stolen does not exceed ten rupees	379
Mischief when the damage or loss caused does not exceed ten rupees in value	426
Intentional insult with intent to provoke a breach of the peace	504

Provided that no offence of theft shall be cognizable by any panchayat unless an accused person has been either apprehended, or recognized and named.

Section.

I of 1871.

(b) *Under the Cattle Trespass Act, 1871*²—

Forcibly opposing the seizure of cattle or rescuing the same	24
---	----

U. P. Act II
of 1892.

(c) *Under the United Provinces Village Sanitation Act, 1892*³—

Breaches of rules made under section 14 and punishable under section 15.

18. No panchayat shall take cognizance of any offence in which either the complainant or the accused is a public servant serving in the district in which the panchayat's circle is situated.

Certain
parties exclu-
ded from
jurisdiction.

19. No panchayat shall take cognizance of any offence under section 379 of the Indian Penal Code⁴ in which the accused—

Certain
persons not
to be tried
by panchayat
for theft.

XLV of 1860.

(a) has been previously convicted of an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code¹ with imprisonment of either description for a term of three years or upwards, or

(b) has been previously fined for theft by any panchayat, or

III of 1911.

(c) is a registered member of a criminal tribe under section 4 of the Criminal Tribes Act, 1911,⁴ or

(d) has been bound over to be of good behaviour in proceedings instituted under section 109 or section 110 of the Code of Criminal Procedure, 1898.⁵

V of 1898.

¹ Genl. Acts, Vol. I.

² Genl. Acts, Vol. II.

³ *Supra*, Vol. II.

⁴ Genl. Acts, Vol. VII.

⁵ Genl. Acts, Vol. V.

20. A conviction by a panchayat under this Act shall not be deemed to be a previous conviction for the purposes of section 75 of the Indian Penal Code.¹

Conviction by
a panchayat
not a previous
conviction
under section
75, Indian
Penal Code.
Penalties.

XLV of 1860.

21. (1) The following are the maximum penalties which may be inflicted by a panchayat under section 17 of this Act:—

(a) *Under the Indian Penal Code*¹—

XLV of 1860.

Fine not exceeding ten rupees or double the damage or loss caused, whichever is greater.

(b) *Under the Cattle Trespass Act, 1872*²—

1 of 1871.

Fine not exceeding five rupees.

(c) *Under the United Provinces Village Sanitation Act, 1892*³—

U. P. Act II
of 1892

Fine not exceeding one rupee.

(2) No sentence of imprisonment, whether substantive or in default of fine, shall be inflicted by any panchayat.

Compensation to complainants.

22. In inflicting any fine under the foregoing section, the panchayat may order any portion or the whole of the fine recovered to be applied—

(a) in defraying expenses properly incurred in the case by the complainant.

(b) in compensation for any material damage or loss caused by the offence committed.

Compensation to accused for false case.

23. If any panchayat is satisfied after inquiry that a case brought before it was false, frivolous or vexatious, such panchayat may order the complainant to pay to the accused such compensation not exceeding five rupees as it thinks fit.

Enhanced powers for special panchayat.

24. Panchayats which are specially empowered by the Local Government in this behalf shall exercise the following enhanced powers:—

(1) To hear and determine suits of the nature described in section 16, when the amount or value of the claim does not exceed fifty rupees.

(2) To take cognizance of offences of theft under section 379, Indian Penal Code,¹ where the value of the property stolen does not exceed twenty rupees.

(3) To take cognizance of offences of mischief under section 426, Indian Penal Code,¹ where the damage or loss caused does not exceed twenty rupees in value.

¹ Genl. Acts, Vol. I.

² Genl. Acts, Vol. II

³ *Supra*, Vol. II.

(4) To inflict the following maximum penalties:—

XLV of 1860.

(a) *Under the sections of the Indian Penal Code¹ mentioned in section 17 of this Act—*

Fine not exceeding twenty rupees or double the damage or loss caused, whichever is greater.

I of 1871.

(b) *Under section 24 of the Cattle Trespass Act, 1871²—*

Fine not exceeding ten rupees.

U. P. Act II
of 1892.

(c) *Under the United Provinces Village Sanitation Act, 1892³—*

Fine not exceeding two rupees.

25. No panch who is a party to, or personally interested in, any suit or case shall sit on the panchayat which takes cognizance of such suit or case. Panch interested not to sit.

26. (1) No panchayat shall try any suit, or issue in respect of any matter which is pending for decision in, or has been heard and decided by, a court of competent jurisdiction in a former suit between the same parties or those under whom they claim. Res judicata and pending suits and cases.

(2) Where proceedings are pending in any court against an accused person in respect of any offence or where an accused person has been tried for any offence, no panchayat shall take cognizance of such offence or, on the same facts, of any other offence of which the accused might have been charge or convicted.

27. Every suit instituted before a panchayat shall include the whole of the claim which the plaintiff is entitled to make in respect of the matter in dispute; but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of the panchayat. Suits to include whole claim.

If a plaintiff omits to sue in respect of, or intentionally relinquishes any portion of his claim, he shall not afterwards sue in respect of the portion so omitted or relinquished.

28. No suit shall be entertained by a panchayat after the expiration of three years from the time when the right to sue first accrued: Limitation for suits.

Provided that the period of limitation for suits specified in the Schedule when instituted before a panchayat shall be the period prescribed in the said Schedule in respect of such suits.

29. Every suit instituted under this Act shall be instituted before the panchayat of the circle in which the defendant or each of the defendants, where there are more than one, resides at the time of the institution of the suit irrespective of the place where the cause of action accrued. Panchayat before which suit to be instituted.

30. Every case instituted under this Act shall be instituted before the panchayat of the circle in which the offence was committed. Panchayat before which case to be instituted.

¹ Genl. Acts, Vol. I.

² Genl. Acts, Vol. II.

³ *Supra*, Vol. II.

Transfer of cases to panchayats by Magistrates

31. Any Magistrate upon receiving a complaint of facts constituting an offence triable by a panchayat shall, unless reason be shown to the contrary, transfer the case for trial to the panchayat having jurisdiction to try it.

Exclusive jurisdiction in suits.

32. No court shall take cognizance of any suit which is cognizable under this Act by a panchayat unless or until the Collector has passed an order in writing under section 71.

CHAPTER IV.

INSTITUTION OF SUITS AND CASES AND PROCEDURE OF PANCHAYATS.

Suits and cases how instituted.

33. Any person who wishes to institute a suit or case under this Act before a panchayat shall make application orally or in writing to the sarpanch or, in his absence from the circle, to such other panch as he may depute in this behalf, and shall at the same time pay the prescribed fees.

Substance of application to be recorded in register.

34. The substance of the application shall be recorded without delay in the register maintained under section 15, and the signature or thumb-impression of the applicant shall be taken on the register.

Plaintiff or complainant to attend next meeting of panchayat.

35. Every suit or case instituted in accordance with the provisions of section 33 shall be brought before the panchayat at its next sitting and the plaintiff or complainant shall at the time of making his application be informed of the time and place fixed for such sitting and directed to attend at that time and place.

Summons to issue to defendant or accused person.

36. The panchayat after hearing the application shall cause a written summons, in the prescribed form, to be served on the defendant or accused requiring him to attend and produce his evidence at such time and place as may be stated in the summons and shall at the same time direct the plaintiff or complainant to attend and produce his evidence at such time and place :

Provided that the panchayat may, for reasons to be recorded, after hearing the application and examining the plaintiff or complainant, refuse to issue a summons and dismiss the suit or complaint.

Summons by whom served.

37. Such summons shall ordinarily be served by one of the chaukidars belonging to the circle; but the panchayat in its discretion may have it served by any other person.

Mode of service of summons.

38. The summons shall be in duplicate signed by the presiding panch and, wherever it is practicable, shall be served personally on the defendant or accused, whose signature or thumb-impression shall be taken in token of service. If he cannot be found and the panchayat is satisfied that he is evading service, or if he refuses to take the summons, the

panchayat may order service to be made on an adult male member of his family residing with him or by affixing a copy thereof upon some conspicuous part of the house in which he generally resides.

39. If an accused person resides outside the circle of the panchayat or if a defendant or accused person is, at the time of the issue of the summons, outside the circle of the panchayat, the summons may be forwarded by the panchayat to the Collector, who shall cause it to be served as if it were a summons from his own court. Mode of service outside circle.

40. (1) Subject to the provisions of sub-sections (2), (3), (4), and (5) of this section, the panchayat may, if it considers the evidence of or the production of a document by any person necessary in a suit or case, issue a summons to such person to compel his attendance or to produce or cause the production of such document, and such person shall be bound to comply with the direction contained in the summons. Such summons shall be served in the manner prescribed in sections 37, 38, and 39. Issue of summons to witnesses.

(2) No summons shall be issued in a suit upon any person who is exempt from personal appearance in a civil court.

(3) The panchayat shall refuse to summon a witness or to enforce a summons already issued against a witness where, in its opinion, the attendance of the witness cannot be procured without any amount of delay, expense or inconvenience which in the circumstances would be unreasonable.

(4) The panchayat shall not enforce the attendance of any person living outside its circle to give evidence, or to produce a document, unless such a sum of money be paid to him as appears to the panchayat to be sufficient to defray his reasonable expenses.

(5) No woman shall, against her will, be compelled to appear in person before a panchayat

41. Subject to the provisions of section 42, any party to a suit or case may appear before a panchayat either in person or by such servant, gomashtha, karinda, partner, relation or friend being authorized to appear on behalf of such party as the panchayat may admit as a fit person to represent him. Appearance in person or by representative.

42. No legal practitioner shall be allowed to appear on behalf of any party in any proceeding under this Act, whether before a panchayat or before any other authority. No legal practitioner to appear.

43. It shall be the duty of the panchayat to ascertain the facts of every suit or case before it by every lawful means in its power and thereafter to make such decree or order, with or without costs, as to it may seem just. In so doing it shall be bound by no laws of evidence or procedure other than the procedure prescribed by or under this Act. The decree or Panchayat to ascertain truth and decide accordingly.

order passed shall be recorded briefly in the register maintained under section 15.

Majority to prevail.

44. Decision shall, in the event of the panches disagreeing, be in accordance with the opinion of the majority. Should opinions be equally divided, the presiding panch shall have a second or casting vote.

Postpone-ments.

45. The panchayat may from time to time as may be necessary postpone the hearing of any suit or case, but it shall be its duty to dispose of it as promptly as possible.

Disposal of suits and cases in absence of party concerned.

46. (1) If the plaintiff or complainant fails to appear after having been informed of the time and place fixed for hearing, the panchayat may decide the suit or case in his absence.

(2) The panchayat may hear and decide a suit or case in the absence of the defendant or the accused, if a summons has been served upon him in the manner prescribed in section 37, section 38 or section 39, or if he has been informed of the time and place fixed for hearing :

Provided that no sentence shall be imposed by a panchayat on any accused person unless he has appeared either in person or by representative before the panchayat and the substance of his statement has been recorded in the register maintained under section 15.

(3) If after the service of summons upon him, an accused person fails to appear either in person or by representative, the panchayat may apply to the Collector, who may compel the accused to appear in person before the panchayat as if he were a Magistrate trying the case.

(4) When an accused person has been under the preceding sub-section compelled to appear before a panchayat, the panchayat shall forthwith take his statement, and thereafter his attendance at the hearing of the case shall not be compulsory.

Compromise.

47. Notwithstanding anything contained in this Act or in any other law for the time being in force, it shall be lawful for a panchayat to decide any suit or case within its jurisdiction in accordance with any settlement, compromise or oath agreed to by the parties.

Death of parties

48. When any party to a suit dies before a decree has been passed, the suit shall abate, but a fresh suit may be brought on the same cause of action, and the period during which the suit was pending shall be excluded in computing the period of limitation prescribed under section 28 for the fresh suit.

Panchayat not to revise or alter its decision.

49. (1) Except as provided in sub-section (2), a panchayat shall have no power to cancel, revise or alter any decree or order passed by it.

(2) A panchayat may, for reasons to be recorded on application made within one month of the date of the decree or order, restore any suit which

has been dismissed in default or in which a decree has been passed *ex-parte* against the defendant.

50. In suits for money the panchayat may in its discretion decree interest on the sum decreed, at a rate not exceeding six per cent. per annum from the date of the decree until the date of payment. Interest and instalments.

When a panchayat decrees the payment of a sum of money in a suit, it may direct that it be paid by instalments without interest or with interest not exceeding the above rate.

51. When any panchayat having jurisdiction is of opinion that any suit or case before it is of such a nature, or such intricacy or importance that it ought to be tried by a regular court, it shall stay proceedings and report the matter to the Collector for orders. Reference of important suits and cases by panchayat to Collector.

52. Except as provided by section 71 no order or decree of a panchayat shall be called in question in any court on the ground that it was passed without jurisdiction. Panchayat's decrees and orders not to be questioned on ground of jurisdiction.

53. There shall be no appeal from any decree or order passed by a panchayat in any suit under this Act, and except as provided in sections 49 and 71 no court or authority shall have power to revise any such decree or order. Panchayat's decrees and orders in suits otherwise final.

54. When a panchayat receives a suit or case under section 2 or section 31 respectively the substance of the claim or complaint shall be recorded without delay in the register maintained under section 15 and a notice shall at the same time be issued to the plaintiff or complainant informing him of the time and place fixed for hearing, and the panchayat shall thereafter proceed to deal with the suit or case as if it had been instituted in accordance with the provisions of section 33. Procedure when suit or case is sent to a panchayat.

CHAPTER V.

EXECUTION.

55. If on the application of the decree-holder or the judgment-debtor, the panchayat, after inquiry, finds that the decree has been satisfied wholly or in part, the panchayat shall record the fact in the register maintained under section 15. Payment or adjustment of decree to be recorded

56. (1) If after a period of one month from the date of a decree, the decree still remains unsatisfied in whole or in part, the decree-holder may, within one year of the date of the decree, apply to the panchayat for execution, and the panchayat shall thereupon certify to the Collector that the decree still remains unsatisfied in whole or in part. Execution through Collector.

(2) On receipt of the certificate the Collector shall—

- (a) if the decree is for money, proceed to recover it as if it were an arrear of land revenue,
- (b) if the decree is for any specific movable property, cause the decree to be executed as if it were the decree of a civil court and in so acting may exercise all the powers of a civil court.

Execution of instalment decree through Collector.

57. If after a period of one month from the date fixed for payment of an instalment decreed by the panchayat, the instalment or any portion thereof still remains unpaid, the decree-holder may, within one year of the date when it fell due, apply for execution to the panchayat, and the panchayat shall certify to the Collector that the instalment or a portion thereof still remains unpaid. On receipt of the certificate the Collector shall proceed to recover the unpaid instalment as if it were an arrear of land revenue.

Satisfaction of decree or instalment after certificate to Collector.

58. If the decree or the instalment is fully satisfied and satisfaction is recorded under section 55, after the issue of the certificate to the Collector under section 56 or section 57 but before the decree has been executed through the Collector, the panchayat shall forthwith certify accordingly to the Collector, who shall thereupon stay the execution proceedings. All sums of money realized by execution through the Collector, after satisfaction of the decree, shall be refunded to the judgment-debtor.

Fine and compensation when payable

59. Every fine imposed or compensation granted by a panchayat under this Act shall be payable within ten days of the date of the order.

Payment of fine or compensation to be recorded.

60. As soon as any such fine or compensation is paid to the panchayat, whether direct or through the Collector under section 62, the amount paid shall be entered in the register maintained under section 15, and shall be credited by the panchayat to the village fund.

Payment of compensation out of fine.

61. Any money which has been ordered by the panchayat under section 22 or section 23 to be paid as expenses or compensation, shall be paid by it out of the amount so realized, and the payment so made shall be debited to the village fund.

Recovery of fine through Collector.

62. If any fine or compensation remains unpaid for ten days after the date of the order of the panchayat directing its payment, the panchayat shall certify accordingly to the Collector, who shall proceed to recover it as if it were an arrear of land revenue and shall remit the amount so recovered to the panchayat.

CHAPTER VI.

VILLAGE FUND AND ADMINISTRATIVE DUTIES OF PANCHAYATS.

Village fund.

63. For every circle in which a panchayat has been established under this Act there shall be a village fund which shall subject to rules made

under section 75 be administered by the panchayat for the improvement of the circle and for the well-being of the residents thereof.

64. The village fund shall consist of—

Income of
village fund.

- (1) fees levied for the institution of suits and cases under section 33;
- (2) fines and compensation paid to the panchayat under section 60;
- (3) sums contributed by the Government, local bodies or private persons.

65. It shall be the duty of the panchayat to arrange within its circle, subject to such rules as may be made under section 75 in this behalf for the improvement of education, public health and the supply of drinking water, and for the maintenance of village tracks and works of public utility.

Duties of
panchayat
in respect
of sanitary
and other
local matters.

U. P. Act II
of 1892.

66. The Local Government may extend the provisions of part I of the United Provinces Village Sanitation Act, 1892,¹ to any circle in which a panchayat has been established under this Act.

Village Sani-
tation Act
applicable
to panchayat
circles.

67. Whoever offers any resistance to the carrying out by any panchayat of its duties prescribed by section 65 of this Act shall be punished on conviction by a Magistrate of the first or second class with a fine which may extend to fifty rupees.

Penalty for
resistance to
panchayat.

68. The Local Government may, in accordance with rules made under section 75, call upon a panchayat to assist officers of the Government in the performance of their duties within the circle of the panchayat, and such assistance as may be in its power shall be rendered by the panchayat.

Panchayat
to assist
general ad-
ministration.

69. It shall be the duty of the panchayat to co-operate with the district board when so required by it in carrying out the duties specified in section 42 of the United Provinces District Boards Act, 1906.¹

Panchayat to
co-operate
with district
board.

U. P. Act III
of 1906.

CHAPTER VII.

MISCELLANEOUS.

70. The Collector may at any time call for and inspect the registers and records of any panchayat.

Power of
Collector
to call for
records.

71. (1) The Collector may at any time, whether on a reference by a panchayat under section 51 or of his own motion, by order in writing—

Collector
may cancel
jurisdiction
or quash
proceedings

- (a) cancel the jurisdiction of a panchayat with respect to any suit or case, or

¹ *Supra*, Vol. II.

- (b) quash any proceedings of a panchayat at any stage, or
- (c) cancel any order or decree passed by a panchayat.

(2) When an order has been passed by the Collector under sub-section (1) in respect of any suit, the plaintiff may institute a suit for the same relief in the civil court, and the period from the date of the institution of the suit before the panchayat to the date of such order shall be excluded in computing the period of limitation for the fresh suit.

(3) When an order has been passed by the Collector under sub-section (1) in respect of any case, proceedings in respect of the same offence may be instituted in the court of a Magistrate having jurisdiction.

Local inquiry by panchayat.

72. (1) It shall be the duty of every panchayat to inquire and report in any of the following cases:—

- (a) where a Magistrate has directed that a previous local investigation be made by a panchayat under section 202 of the Code of Criminal Procedure, 1898,¹ and the words “such other person” in the said section shall be deemed to include a panchayat:

Provided that no Magistrate shall direct a local investigation to be made by a panchayat without the previous sanction of the Collector.

- (b) Where a revenue officer has referred any matter to a panchayat for local inquiry, and it shall be lawful for any revenue officer not below the rank of Assistant Collector, second class, with the previous sanction of the Collector so to refer any matter in connection with any proceeding pending before him under the United Provinces Land Revenue Act, 1901,² and to treat the panchayat's reports as evidence.

U. P. Act III of 1901.

(2) No panchayat shall be required to hold a local inquiry outside the limits of its circle.

A panch to be a public servant.

73. (1) Every panch appointed under this Act shall be deemed to be a public servant.

(2) No action, civil or criminal, shall lie against any panchayat or panch in respect of any act performed in good faith in exercise of the powers conferred, or in discharge of the duties imposed, upon a panchayat or panch by this Act.

Delegation of powers by Collector.

74. Subject to rules which may be made by the Local Government in this behalf, the Collector may delegate to any officer not below the rank of Deputy Collector all or any of the powers conferred on him by this Act or by the rules made thereunder, with the following exceptions:—

- (1) establishment of a panchayat under section 4;
- (2) determination of number of panches under section 5;

¹ Genl. Acts, Vol. V.

² *Supra*, Vol. II.

- (3) suspension or removal of panches under section 8;
- (4) suspension or dissolution of a panchayat under section 10;
- (5) cancelling the jurisdiction or quashing proceedings, or cancelling any decree or order under section 71; and
- (6) sanctioning a local inquiry under section 72.

75. The Local Government may, after previous publication, make rules consistent with this Act with respect to all or any of the following matters, namely:—

- (1) the establishment of panchayats;
- (2) the time and place of sitting of the panchayat;
- (3) the appointment of panches;
- (4) the appointment and duties of sarpanches;
- (5) the suspension and removal of panches and sarpanches;
- (6) the suspension and dissolution of panchayats;
- (7) the records and registers required under this Act;
- (8) the appointment of clerks by panchayats and their remuneration and duties;
- (9) the duties of chaukidars and their remuneration;
- (10) the fees payable under this Act;
- (11) the administration of the village fund;
- (12) the delegation of powers by the Collector;
- (13) the assistance to be given by the panchayat in any matter affecting the general administration; and
- (14) generally the carrying out of the purposes of this Act.

(2) The Local Government may delegate to the district board or to the Collector the power to make rules in respect of any of the matters mentioned in clauses (2), (3), (4), (7), (8), and (9) of sub-section (1).

THE SCHEDULE.

PERIOD OF LIMITATION FOR CERTAIN SUITS.

See section 28.

Description of suit.	Period of limitation.	Time from which period begins to run.
(1) For the wages of a household servant, artisan or labourer.	One year . . .	When the wages accrue due.
(2) For the price of food or drink sold by a keeper of a hotel, tavern or lodging-house.	One year . . .	When the food or drink is delivered.
(3) For the price of lodging.	One year . . .	When the price becomes payable.

THE AGRA ESTATES ACT, 1920.

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UNITED PROVINCES ACT VII OF 1920.¹

[APPLIES TO THE PROVINCE OF AGRA.]

[1st November, 1920; 3rd December, 1920.]

WHEREAS it is expedient to define and regulate the course of succession to impartible estates in Agra and to facilitate the extension of the same course of succession to other estates, and to make better provision for the preservation of such estates, and whereas the previous sanction of the Governor General has been obtained under sub-sections (2) and (3) of section 79 of the Government of India Act, 1915; It is hereby enacted as follows:—

5 & 6 Geo
5, c. 61.

1. (1) This Act may be called the Agra Estates Act, 1920.

Short title
and extent.

(2) It extends to the whole of Agra.

2. In this Act, unless there is something repugnant in the subject or context,—

Interpreta-
tion clause.

(1) “attest” with its grammatical variations, when used with reference to any non-testamentary instrument, means to

¹ For Statement of Objects and Reasons, see United Provinces Gazette, 1920, Pt. VII, p. 675, and for Proceedings in Council, see *ibid*, 1920, Pt. VII, pp. 779, 1122, 1169 and 1206.

sign such instrument as a witness in the presence of the executant after having seen the executant sign the same or after having received from the executant a personal acknowledgment of his signature to the same.

Explanation I.—When attestation by more than one witness is required it is not necessary that more than one of such witnesses shall be present at the same time.

Explanation II.—No particular form of attestation is required.

- (2) “competent to contract” means competent to contract within the meaning of section 11 of the Indian Contract Act, 1872¹ IX of 1872
- (3) “estate-holder” means a person to whom, and “estate” immovable property to which, the provisions of Part I are applicable.
- (4) “minor” means a person who has not attained his majority under the provisions of the Indian Majority Act, 1875.¹ IX of 187
- (5) “separate right” used with reference to immovable property means the right possessed by an owner who is exclusively entitled to the whole of such property or to a specific share or portion thereof.

Explanation.—The interest of a member of a Hindu joint family in co-parcenary property is not a separate right.

- (6) “settled estate” means immovable property for the time being subject to the provisions of Part II by virtue of a declaration made under section 27.
- (7) words expressing relationship denote only legitimate relationship, but apply to children in the womb who are born alive.

PART I.

Application
for a declaration under
part I.

3. Notwithstanding anything in any other enactment contained, it shall be lawful for any person competent to contract who is the owner—

- (a) of immovable property which by family custom descends to a single heir according to the rule of primogeniture, or
- (b) of a separate, permanent, heritable and transferable right in any immovable property in Agra, and
 - (i) who holds the title of Maharaja Bahadur, Maharaja, Raja Bahadur, Raja, Nawab Mumtaz-ud-daula, Nawab Bahadur or Nawab, if conferred or recognized by the Government of India or the Local Government, or
 - (ii) who holds as a hereditary title, the title of Rajwar, Rao Bahadur, Rao, Rai, Mirza Bahadur, Mirza, Khan Bahadur, Rai Bahadur, Chaudhri, or Diwan; conferred or re-

¹ Genl. Acts, Vol. II.

cognized by the Government of India or the Local Government, or

(iii) to whom such property was granted by the Government of India or the Local Government as a reward for loyalty and good services or who has inherited directly or indirectly such property from the person to whom it was so granted, or

(iv) who holds such right in land assessed to land revenue to the amount of not less than ten thousand rupees a year,

to apply to the Local Government for a declaration that the provisions of this part shall apply to him.

The applicant shall annex to his application a schedule showing the immovable property owned by him and the land revenue assessed on it.

Explanation I.—Where such land or any part of it is held revenue-free it shall be deemed to be assessed to land revenue to the amount nominally assessed on it for the purpose of determining the rates payable in respect of it.

Explanation II.—Where such land or any part of it is held revenue-free and land revenue has not been so nominally assessed the land revenue which shall be deemed to be payable for such land or such portion thereof shall be determined by rules made under clause (j) of sub-section (2) of section 38.

4. The Local Government may in its discretion reject such application either summarily or after such inquiry as it may think proper to make. Rejection of application.

5. If such application is not rejected under section 4, the Local Government shall publish in the Gazette a notice in English and in the vernacular reciting the fact that an application has been made and the purport thereof and calling upon all persons interested in opposing the application to do so in writing within six months from the date of the publication of the notice in English. Issue of notice.

6. The Local Government, after considering the application and the result of any inquiry made by it or under its orders and any further particulars or information called for by it and the cause (if any) shown by any person against the application, may in its discretion either refuse or grant the application. Grant or refusal of application.

7. If the application is granted, the Local Government shall declare by notification in the Gazette that the provisions of this part have been made applicable to the applicant in respect of the immovable property in which he has a separate, permanent, heritable and transferable right at the date of the notification, and shall enter his name in a list which shall be maintained by the Local Government. Such list shall from time to time be corrected in accordance with rules framed under section 38. Notification and list of estate-holders.

Power to add to estate. 8. (1) Any estate-holder may, by a registered instrument bearing a non-judicial stamp of fifteen rupees signed by him and attested by two or more witnesses, declare that any immovable property situated in the United Provinces, not being "estate" or "settled estate" within the meaning of the Oudh Estates Act, 1869,¹ or the Oudh Settled Estates Act, I of 1869, 1917,² respectively, in which he has a separate, permanent, heritable and transferable right, and which is specified in the instrument, is a part of his estate for the purposes of this Act. U. P. Act V of 1917.

Such declaration shall take effect from the date of the registration thereof.

(2) It shall be the duty of the registering officer to furnish the Collector of every district in which any portion of the property is situated with a properly authenticated copy of the declaration, and on receipt of such copy the Collector shall cause a note to be made in the record of rights relating to the immovable property specified and shall also cause a copy of the declaration to be published in the Gazette in English and in the vernacular.

Devolution of estate.

9. The estate or any portion of the estate of an estate-holder in respect of which he dies intestate shall descend to a single heir in accordance with the order of succession and subject to the conditions prescribed in the first Schedule:

Provided that where a female succeeds for her life-time only, or where two or more females successively so succeed, the person next in succession shall take a vested interest on the death of the last male estate-holder, subject to such interest being divested retrospectively in case any such female, being a widow, adopts a son under the provisions of section 12.

Power of estate-holder to transfer or bequeath.

10. (1) Every estate-holder competent to contract shall be competent to transfer or to bequeath any portion of his estate to which the provisions of Part II have not been applied, or his right or interest therein, in accordance with and only to the extent permitted by the personal law applicable to him.

(2) If such transfer or bequest is in favour of—

(a) another estate-holder, or

(b) the person who would have succeeded to such estate or would have taken a vested interest therein, under the provisions of this Act, had the person so transferring or bequeathing died intestate as to his estate at the time when the transfer or bequest took effect, or

(c) the daughter of the transferor or testator, or

¹ *Supra*, Vol. I.

² *Supra*.

- (d) a son of his daughter, or
 (e) a lineal male descendant in the male line,

the transferee or legatee in such case shall be an estate-holder in regard to the property to which he may become entitled under or by virtue of such transfer or bequest and shall hold the same subject to the same conditions as if he had inherited it on an intestacy, provided that in cases (c), (d) and (e) the property so transferred or bequeathed is at the time of such transfer or bequest assessed or deemed to be assessed to land revenue to the amount of not less than ten thousand rupees a year.

11. Sections 49, 50, 51, 54, 55, 57, 58, 60 to 77, 82, 83, 85 and 88 to 98 of the Indian Succession Act, 1865,¹ shall apply to all wills made by an estate-holder under the provisions of this Act for the purpose of bequeathing his estate, or any portion thereof, or any interest therein: Sections of Succession Act applied to wills of estate-holders.

Provided that marriage shall not revoke any such will:

Provided also that nothing herein contained shall affect wills made before the commencement of this Act.

12. An estate-holder permitted by the personal law applicable to him to adopt a son, or to give authority to his widow to adopt a son for him, shall be competent to adopt a son or to grant such authority. But no adoption made by an estate-holder or by his widow and no authority given after the date of the commencement of this Act shall be deemed to be valid unless in addition to the requirements (if any) imposed by the personal law of the estate-holder the fact of such adoption has been declared, or such authority has been given, by a registered instrument attested by two or more witnesses. Estate-holder's power to adopt.

Where under the personal law applicable to an estate-holder his widow is competent to adopt a son without receiving authority from her husband for making such adoption, nothing herein contained shall be deemed to invalidate an adoption made by her merely by reason of no such authority being so given.

13. When an estate-holder dies leaving any such relatives as are mentioned in the second Schedule, any person for the time being in possession of his estate shall be liable to the extent of the property of the deceased which has come into his possession to pay to each of such relatives during his or her life or for such other period as is hereinafter mentioned, by two equal half-yearly instalments, a reasonable annuity not exceeding the amount mentioned in the Schedule: Maintenance of surviving relatives of estate-holders.

Provided that such relative was at the date of the death of the deceased living together with him; and also that such relative is and continues to be without any other adequate means of maintenance.

If any part of the estate shall have been transferred or bequeathed by the deceased, the person for the time being in possession of such part

¹ Genl. Acts, Vol. I.

or of the rents or profits thereof shall be liable to pay proportionate parts of the said annuities during the continuance thereof respectively.

Right to
maintenance
under per-
sonal law.

14. Nothing herein contained shall be deemed to affect the right to maintenance of any person not specified in the second Schedule* who would be entitled to maintenance from the estate-holder under the personal law that would have been applicable to him had no notification under section 7 been issued.

Continuance
of annuities.

15. Subject to the provisions hereinbefore contained the maintenance shall continue—

- (a) in the case of a minor nephew till he ceases to be a minor;
- (b) in the case of a daughter or widow till she would according to the personal law applicable to her cease to be entitled to maintenance;
- (c) in all other cases till the annuitant dies.

Marriage
expenses of
daughters of
estate-
holders.

16. The estate-holder for the time being in possession of the estate shall provide for the reasonable expenses of the marriage of an unmarried daughter or daughters of the person to whom he has succeeded, so far as the income of the estate may permit.

Meaning of
"reasonable."

17. In determining what is a reasonable annuity under section 13 or reasonable expenses under section 16 regard shall be had to the usage of the family to which the estate-holder belonged or belongs as the case may be.

Application
for removal
from list of
estate-
holders.

18. An estate-holder competent to contract to whose estate the provisions of Part II do not apply may at any time apply to the Local Government for a declaration that the foregoing provisions of this part shall cease to apply to him. The Local Government, on receipt of such application, may for any reason it may consider sufficient declare that the foregoing provisions of this part shall cease to apply to an estate-holder and publish a notification to that effect in the Gazette in English and in the vernacular.

From the date of the publication of such notification in English the foregoing provisions of this part shall cease to apply to the estate-holder, and his estate shall henceforward be held subject to the personal law that would have been applicable to him had no notification under section 7 been issued, and his name shall be struck off the list maintained under that section.

Judicial
notice to be
taken of
notifications.

19. The Court shall take judicial notice of notifications under sections 7 and 18 as well as of entries made in the list under section 7. The production of a copy of an entry in the list, certified by the signature of one of the Secretaries of the Local Government, shall be conclusive proof of the fact of the entry in the said list.

PART II.

20. Notwithstanding any enactment to the contrary, it shall be lawful for an estate-holder, being entitled to a permanent, heritable and transferable right in an estate, and in possession thereof, and competent to contract, to apply in writing to the Local Government for permission to declare that such estate or a portion thereof shall in future be held subject to the provisions of this part.

21. The Local Government may in its discretion reject such application either summarily or after such inquiry as it may think proper to make.

22. If such application is not rejected under section 21, the Local Government shall publish in the Gazette a notice in English and in the vernacular, reciting the fact that an application has been made and the purport thereof, and calling upon all persons having claims enforceable against the applicant or his immovable property to notify the same in writing within six months from the date of publication of the notice in English, and also to show cause in writing within such period why the permission sought by the applicant should not be granted, and shall, where such a course is practicable, serve a copy of such notice upon all persons known, or appearing from the application or other information received, to be interested in opposing the application.

23. The Local Government, after considering the application and the result of any inquiry made by it or under its orders, and any further particulars or information called for by it, and the cause, if any, shown by any person against the application, may in its discretion either grant or refuse permission, or grant permission in respect of a portion only of the property to which the application relates:

Provided that where any portion of the immovable property of the applicant is subject to any encumbrance or charge, or may be held liable for any existing debt, demand or claim, the Local Government shall not grant such permission unless the consent of all the encumbrancers upon, or persons entitled to charges upon, or persons having claims enforceable against, the immovable property of the applicant is obtained, or the encumbrances, charges or claims of such persons as object to the grant of such permission are discharged, or arrangements considered satisfactory by the Local Government are made for their discharge, or the Local Government is satisfied that such persons will not be prejudiced by the grant of such permission.

24. (1) It shall be lawful for any person for the time being entitled to and in possession of a settled estate, and competent to contract, to apply to the Local Government for permission to add to the settled estate any other immovable property in respect of which an application might be made by him under section 20.

(2) On receipt of such application, the Local Government shall proceed according to section 21 or sections 22 and 23.

**Application
for permis-
sion to revoke
declaration.**

25. (1) Subject to the provisions of section 29, it shall be lawful for any person for the time being entitled to and in possession of a settled estate and being a male and competent to contract, to apply to the Local Government for permission to revoke wholly or in part any declaration that property shall be held subject to the provisions of this part.

(2) The Local Government, after considering the application and the result of any inquiry made by it or under its orders, and any further particulars or information called for by it, may in its discretion either grant or refuse permission, or grant permission in respect of a portion only of the property to which the application relates.

**Form,
contents and
publication
of permission.**

26. (1) Permission granted under section 23, 24, or 25 shall be in writing, signed by one of the Secretaries to the Local Government, and shall contain a description of the immovable property in respect of which permission is granted sufficient to identify the same.

(2) Every such permission shall be published in the Gazette in English and in the vernacular, and shall remain in force until the expiry of three months from the date of publication in English thereof, or until the death of the applicant, whichever shall first happen.

**Execution of
declaration.**

27. The applicant may, by an instrument in writing signed by him and attested by two or more witnesses, and registered within three months from the date of publication in English of such permission (but not by a will) declare that the whole or any portion of the property in respect of which permission has been granted under section 23, 24 or 25 shall in future be held subject to or exempt from the provisions of this part, as the case may be.

Such declaration shall take effect from the date of the registration thereof.

Procedure.

28. Every declaration presented for registration under section 27 shall be accompanied by the written permission mentioned in section 26, and the registering officer before registering the declaration shall satisfy himself that the property specified in the declaration presented for registration is included in the permission granted under that section, and that such permission is still in force.

**Power to
make certain
declarations
irrevocable.**

29. The person executing a declaration that any property shall be held subject to the provisions of this part may, in such declaration or by a subsequent instrument in writing, signed and attested as aforesaid, and registered, and any successor in interest of such person, in possession of the settled estate and competent to contract, may, by an instrument signed and attested as aforesaid, and registered, provide that any such

declaration shall as regards the whole or any specified portion of the settled estate be irrevocable.

30. (1) On the registration of a declaration under section 28 or of such subsequent instrument as is mentioned in section 29, it shall be the duty of the registering officer to furnish the Collector of every district in which any portion of the property is situated with a properly authenticated copy of the same. Duties of registering officer and Collector.

(2) On receipt of such copy the Collector shall cause a note to be made in such record or register as the Local Government shall direct, and shall also cause a copy of the declaration to be published in the Gazette in English and in the vernacular.

31. Notwithstanding anything in this Act contained, it shall be lawful for the Local Government for any reason which it may consider sufficient, on the application of the estate-holder, to declare by notification in the Gazette that the settled estate or any part thereof to which he is entitled and of which he is in possession shall cease to be subject to the provisions of this part. Local Government empowered to exclude settled estate from operation of the Act.

Such declaration shall take effect from the date of the publication thereof in English.

32. Except as otherwise provided by this Act, no person entitled to a settled estate shall have power to transfer, nor shall any Court cause to be sold in execution of a decree, such estate or any part thereof or any interest therein for any greater or larger interest or time than during his life, nor shall a settled estate or any part thereof, or the profits thereof be held by any Court to be or have vested in such person for any larger or greater interest or time than for his life. Dealings with settled estate to prejudice of successors prohibited.

33. (1) The person for the time being entitled to and in possession of a settled estate may, with the previous sanction of the Local Government, transfer the same or any part thereof or any interest therein, either to the Secretary of State for India in Council or to any local authority, company or person, and in such case the provisions of section 32 shall not be applicable. Transfer of settled estate for a public purpose.

(2) Sanction shall only be given under sub-section (1) where the transfer is in the opinion of the Local Government for a public purpose of a charitable or religious nature or for a purpose beneficial to the public or to a section of the public, and any such sanction may impose such conditions as the Local Government deems expedient in respect of the extent or nature of the transfer or of the terms of the instrument (if any) by which the transfer is to be effected, or of any other matter.

(3) The Local Government in giving such sanction may also direct that the whole or any portion of the consideration for the transfer shall

be used in the purchase of other immovable property and that the property so purchased shall form part of the settled estate.

Explanation.—In this section “company” means a company as defined in clause (e) of section 3 of the ¹Land Acquisition Act, 1894. 1 of 1894.

Leases of
settled estate.

34. (1) The person for the time being entitled to, and in possession of, a settled estate may lease the same or any part thereof.

(a) from year to year, or for a term not exceeding seven years, without sanction, and

(b) for a term exceeding seven years, with the previous sanction of the Collector :

Provided that it shall not be lawful for the Collector to sanction—

(i) a lease for an agricultural purpose for a period exceeding fourteen years, or

(ii) a lease for any other purpose, unless such lease is permitted by, and is in accordance with the provisions of rules made under clause (b) of sub-section (2) of section 38.

(2) The decision of the Collector under sub-section (1) that any lease is, or is not, for an agricultural purpose shall be final and conclusive.

(3) A premium or fine shall not be taken on any lease for an agricultural purpose, but the best rent payable year by year shall be reserved that can be reasonably obtained.

(4) A premium or fine on any lease, other than a lease for an agricultural purpose, shall not be taken, except in the circumstances, and subject to the conditions, specified in rules made in this behalf under clause (b) of sub-section (2) of section 38.

(5) No payment of any instalment of rent before it falls due shall operate to the prejudice of any successor-in-interest of the person to whom the payment is made.

(6) A lease granted under this section shall be subject to any provisions of the ²Agra Tenancy Act, 1901, applicable thereto, so far as those provisions are consistent with the provisions of this section.

U. P. Act II
of 1901.

Devolution
and bequest
of settled
estate.

35. (1) Notwithstanding the provisions of any contract or disposition to the contrary, every person for the time being entitled to a settled estate being a male, or being a female who, under the personal law applicable to her would constitute a fresh stock of descent if she succeeded the estate on an intestacy, shall, unless such person succeeded as a widow or a mother, constitute a fresh stock of descent for the purposes of section 9 and on the death of such person intestate the settled estate shall descend according to the provisions of that section.

(2) Notwithstanding the provisions of any contract or disposition to the contrary, every person for the time being entitled to a settled estate

¹ Genl. Acts, Vol. IV.

² *Supra*, Vol. II.

who constitutes a fresh stock of descent according to sub-section (1) shall be competent to bequeath the same to any of the persons mentioned in the first Schedule, but to no other person :

Provided that such person shall not be competent to bequeath the same except as an impartible estate to be held by one person only subject to and in accordance with the provisions of this Act, or to subject the same or the profits thereof to any demand, charge or encumbrance whatsoever :

Provided also that if the estate is bequeathed to a female who if she succeeded under the provisions of section 9 would take a life estate only the bequest shall confer on her a life estate only.

PART III.

26. (1) No court shall question the validity or propriety of any declaration made under section 7 or section 18, except on the ground that the applicant was not competent to contract on the date on which he made his application. Jurisdiction of courts barred in certain matters.

(2) No court shall question the validity or propriety of any declaration made under section 27 or section 29 as the case may be—

- (a) except in so far as the declaration purports to affect property not included in the written permission granted by the Local Government, or
- (b) (where permission has been granted under section 23 or section 24) except in so far as the person by whom the declaration is made shall be found not to have been entitled to, and in possession of, a permanent, heritable and transferable right in the immovable property included therein, or such person was not competent to contract, or
- (c) (where permission has been granted under section 25) unless such person shall be found not to have been entitled to, and in possession of, the settled estate at the date of the application under that section, or the declaration sought to be revoked was irrevocable.

(3) Except as provided in sub-sections (1) and (2), no Court shall exercise jurisdiction in or over the following matters:—

- (a) the legality, propriety or regularity of an application under section 3, 18, 20, 24 or 25, or of any proceeding held or order passed thereon;
- (b) the legality, propriety, regularity or sufficiency of any notice issued under section 5 or section 22;

service, who has for at least three years served as District Judge or held judicial office not inferior to that of a Subordinate Judge of the first grade; or

- (b) a barrister, advocate or pleader of not less than ten years' standing who has practised as an advocate or pleader in the High Court of Judicature at Allahabad or the Court of the Judicial Commissioner of Oudh.

(3) The President of the Tribunal and one of the assessors shall be appointed by the Local Government, and the other assessor shall be appointed by the municipal board, or in default of appointment by the municipal board within two months of their being asked by the Local Government to make such appointment, by the Local Government:

Provided that no person shall be eligible for appointment as a member of the Tribunal if he is a Trustee or would, if he were a Trustee, be liable to removal by the Local Government under section 10.

(4) The term of office of each member of the Tribunal shall be two years; but any member shall, subject to the proviso to sub-section (3), be eligible for re-appointment at the end of that term.

(5) The Local Government may, on the ground of incapacity or misbehaviour, or for any other good and sufficient reason, cancel the appointment of any person as member of the Tribunal.

(6) When any person ceases for any reason to be a member of the Tribunal, or when any member is temporarily absent in consequence of illness or any unavoidable cause, the authority which appointed him shall forthwith appoint a fit person to be a member in his place. Where the authority so appointing was the municipal board and the municipal board fails to make a fresh appointment within two months of being asked to do so by the Local Government, the appointment may be made by the Local Government.

Remuneration of members of Tribunal.

60. Each member of the Tribunal shall be entitled to receive such remuneration, either by way of monthly salary or by way of fees, or partly in one of those ways and partly in the other, as the Local Government may prescribe.

Officers and servants of Tribunal.

61. (1) The President of the Tribunal shall, from time to time, prepare a statement showing—

- (a) the number and grades of the clerks and other officers and servants who he considers should be maintained for carrying on the business of the Tribunal,
- (b) the amount of the salary to be paid to each such officer and servant.

(2) All statements prepared under sub-section (1) shall be subject to the previous sanction of the Local Government.

(3) Subject to any directions contained in any statement prepared under sub-section (1), and to rules made under section 72, the power of appointing, promoting, and granting leave to officers and servants of the Tribunal, and the power of reducing, suspending or dismissing them, shall vest in the President of the Tribunal.

62. The remuneration prescribed under section 60 for members of the Tribunal, and the salaries, leave allowances and acting allowances prescribed under this Act for officers and servants of the Tribunal, shall be paid by the Trust to the President of the Tribunal for distribution. Mode of payment.

V of 1908. 63. (1) The Local Government may from time to time make rules, not repugnant to the ¹Code of Civil Procedure, 1908, for the conduct of business by Tribunals established under this Act. Power to make rules for Tribunal.

(2) All such rules shall be published by notification.

1 of 1894. 64. (1) For the purpose of determining the award to be made by the Tribunal under the ²Land Acquisition Act, 1894, — Award of Tribunal how to be determined.

(a) if there is any disagreement as to the measurement of land, or the amount of compensation or costs to be allowed, the opinion of the majority of the members of the Tribunal shall prevail;

³(b) questions relating to the determination of the persons to whom compensation is payable, or the apportionment of compensation, may be tried and decided in the absence of the assessors if the President of the Tribunal considers their presence unnecessary: and, when so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal; and

(c) notwithstanding anything contained in the foregoing clauses, the decision on all questions of law and procedure shall rest solely with the President of the Tribunal.

(2) Every award of the Tribunal, and every order made by the Tribunal for the payment of money, shall be enforced by a Court of Small Causes within the local limits of whose jurisdiction it was made as if it were a decree of that Court.

Disposal of Land.

65. Subject to any rules made by the Local Government under section 72 of this Act, the Trust may retain or may let on hire, lease, sell, Power to dispose of land.

¹ Genl. Acts, Vol. VI.

² Genl. Acts, Vol. IV.

³ An appeal lies to the High Court from decisions of the President under clause (b) — see s. 3 (1) (a) of Act 3 of 1920, *Supra*, Vol. I.

to such person as the estate-holder shall have duly adopted and his male lineal descendants;

(5) or, in default of any such duly adopted son, or his male lineal descendants, then to the widow of the deceased estate-holder for her life-time only; or if there be more widows than one, to the widow first married to such estate-holder for her life-time only.

(6) and on the death of such widow, where the personal law applicable to the estate-holder permits of a son being adopted to him, to such son as the said widow shall have duly adopted and his male lineal descendants;

(7) or, in default of such first married widow and in default of a son duly adopted by her, and his male lineal descendants, then to the other widow, if any, of such estate-holder, next in order of marriage, for her life, and on the death of such other widow to a son duly adopted by her and his male lineal descendants, or, in default of such duly adopted son and his male lineal descendants, then to the other surviving widows in the order of their respective marriages for their respective lives and on their respective deaths, to the sons duly adopted by them respectively and to the male lineal descendants of such sons respectively;

(8) or, in default of any such widow, or any such duly adopted son or any such male lineal descendants, then to the mother of the deceased estate-holder for her life-time only.

Explanation.— In this clause the word “ mother ” does not include a step-mother, and in the case where the deceased was a duly adopted son, it means the wife or widow of the father, who joined in or made the adoption, or, if the adoption was made by the father alone, and there are at the time of the death of the deceased more widows than one, it means the one who was first married, and, on her death, the other surviving widows in the order of their respective marriages in succession.

(9) or in default of or on the death of the mother then to the eldest and every other brother of such estate-holder successively, and to their respective male lineal descendants successively, brothers of the whole blood and their descendants being preferred to brothers of the half blood and their descendants;

(10) or, in default of such brother, or his male lineal descendants, then to the nearest male agnate according to the rule of lineal primogeniture;

(11) or, in default of any such agnate, then to such person as would have been entitled to succeed to the estate under the

personal law that would have been applicable to such estateholder had no notification under section 7 been issued :

Provided that, when there are more persons than one so entitled the estate shall descend to a single person, according to the following rules, that is to say :—

- (i) where among such persons some are connected by blood relationship and some by reason of marriage, the blood relations shall exclude the relations by marriage;
- (ii) where among such persons some are related by the whole blood, and some by the half blood, those related by the whole blood shall exclude those related by the half blood;
- (iii) where subject to the provisions of rules (i) and (ii) among such persons, some are related through males only and some through females, the persons related through males only shall exclude the others; and among others those shall be preferred in whose relationship the steps from the deceased proceed furthest through males;
- (iv) where among such persons, some stand in a nearer and some in a more remote relationship to the deceased, but both are equally qualified under the three preceding rules, those in the nearer degree shall exclude those in the more remote;
- (v) where such persons stand in equal degree of relationship to the deceased, and are equally qualified under the four preceding rules, the estate shall descend to the eldest male in the senior line; but if there be no male heir, in that line, then to the eldest male in the next senior line in which there is a male heir, and if there be no male heir in any line, then to the eldest female in the senior line in which there is a female heir.

SCHEDULE II.

PERSONS ENTITLED TO MAINTENANCE.

I.—In the case of grand-parents, parents and senior widow of the deceased, the maximum amount of the annuity for each person shall be as follows :—

- (a) where the annual revenue payable to the Government is or exceeds three lakhs, Rs. 6,000;
- (b) where the annual revenue payable to the Government is or exceeds two lakhs, but is less than three lakhs, Rs. 4,000.

- (c) where such revenue is or exceeds one lakh, but is less than two lakhs, Rs. 2,000;
- (d) where the revenue is or exceeds Rs. 50,000, but is less than one lakh, Rs. 1,200;
- (e) where the revenue exceeds Rs. 25,000, but is less than Rs. 50,000, Rs. 600;
- (f) where such revenue is less than Rs. 25,000, Rs. 360.

Where such estate or any part of it is held revenue-free, the land revenue nominally assessed on it to determine the rates payable in respect of it shall, for the purposes of this Schedule, be deemed to be the revenue payable for such estate or such portion thereof.

. Where such estate or any part of it is held revenue-free and land revenue has not been so nominally assessed, the land revenue which shall be deemed to be payable for such estate or such portion thereof shall be determined by rules made under clause (j) of sub-section (2) of section 38.

II.—In the case of junior widows, brothers and sons of the deceased the maximum amount of the annuity for each person shall be one-half of the maximum amount prescribed by Article I.

III.—In the case of nephews of the deceased being fatherless minors, the maximum amount of the annuity for each person shall be one-third of the maximum amount prescribed by Article I.

IV.—In the case of unmarried daughters of the deceased, and widows of his sons and brothers, the maximum amount of the annuity for each person shall be one-fourth of the maximum amount prescribed by Article I.

APPENDIX.

ENACTMENTS DECLARED IN FORCE IN, OR EXTENDED TO, THE SCHEDULED DISTRICTS OF THE PROVINCE OF AGRA BY NOTIFICATION UNDER THE SCHEDULED DISTRICTS ACT, 1874.¹

[The Scheduled Districts of the Province of Agra are (*see* Part IV of the First Schedule of Act XIV of 1874,¹) as amended by Act XIV of 1881,² s. 14 and Act XX of 1890, s. 8 (1)]² :—

1. The Province of ³Kumaon and Garhwal.

¹ General Acts, Vol. II.

² *Supra*, Vol. I, pp. 218 and 336, respectively.

³ Now known as the Kumaon Division, *see* Notification No. 644—VII-281, dated the 27th June, 1894, opposite the Specific Relief Act, 1877 (I of 1877), *infra*, p. 1181.

2. The ¹Tarai Pargannas, comprising Bazpur, Kashipur, Jaspur, Rudarpur, Gadarpur, Kilpuri, Nanak-Matha and Bilheri.

3. The Mirzapur District—

- (1) the Tappas of Agori Khas and South Kon in the Pargana of Agori;
- (2) the Tappa of British Singrauli in the pargana of Singrauli;
- (3) the Tappas of Bhulwa, Dhudi and Barha in the Pargana of Bechipar;
- (4) the portions lying to the south of the Kaimor Range.

4. The tract of country known as Jaunsar Bawar in the Dehra Dun District.]

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874.

1. KUMAON AND GARHWAL.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
<i>(I)—Bengal Regulations.</i>				
1793	•XXXVIII	² The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.	Declared in force.	<i>No. 1746, dated the 2nd November 1876.</i> In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the (Officiating) ³ Lieutenant-Governor of the North-Western Provinces is pleased, with the sanction of the Hon'ble the President of the Council of (His Excellency) the Governor General in Council to declare that so much of each enactment mentioned in the schedule hereto annexed as is in force in those parts of the North-Western Provinces which are not included in any Scheduled District is in force likewise in the Kumaon and Garhwal Districts. 2. Nothing herein contained shall be deemed to affect the operation of any enactment in force in the Kumaon and Garhwal Districts, and not mentioned in the said Schedule.

¹ These pargannas are now a sub-division of the Naini Tal District of the Kumaon Division.

² *Supra*, Vol. I. This title was given by the Amending Act, 1897 (5 of 1897), s. 4. General Acts, Vol. IV.

³ Now the Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
1793	XXXVIII —(concl'd).	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793—(concl'd).	Declared in force.	[<i>N. B.</i> —Where not otherwise stated it is only the un repealed portions of the enactments specified that are intended to be declared in force.] [Here follows the schedule, which contains, among other enactments, Bengal Regulation XXXVIII of 1793.] [<i>See Gazette of India, 1876, Pt. I, p. 605. Published as No. 506 A., dated 5th December, 1876, in North-Western Provinces Gazette, 1876, p. 1548.</i>]
1798	I	¹ Conditional Sales	Extended	No. 1711, dated the 2nd November 1876.—In exercise of the power, conferred by section 5 of the Scheduled Districts Act, 1874, the (Officiating) ² Lieutenant-Governor of the North-Western Provinces is pleased, with the sanction of (the Hon'ble the President of the Council of) (His Excellency) the Governor General in Council, to extend so much of each enactment mentioned in the schedule hereto annexed as is in force in those parts of the North-Western Provinces which are not included in any Scheduled District to the Kumaon and Garhwal Districts. [<i>N. B.</i> —Where not otherwise stated it is only the un repealed portions of the enactments that are intended to be extended.] [Here follows the Schedule, which contains, among other enactments, Bengal Regulation I of 1798.] [<i>See Gazette of India, 1876, Pt. I, p. 606. Published as No. 507-A., dated 5th December, 1876, in North-Western Provinces Gazette, 1876, p. 1549.</i>]

¹ Bengal Regulation I of 1798 was repealed in the Province of Agra, and therefore in the Scheduled Districts of that Province by the Transfer of Property Act, 1882 (4 of 1882). General Acts, Vol III.

² Now the Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No	Subject	Whether declared in force or extended.	Notification.
<i>(1)—Bengal Regulations—contd.</i>				
1799	V	¹ The Bengal Will- and In- testacy Regu- lation, 1799.	Extended	No. 589-VII-369 B., dated the 3rd July, 1891—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, XIV of 1874, the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh is pleased, with the previous sanction of the Governor General in Council, to extend Bengal Regulation V of 1799 (as amended by subsequent enactments) to the Kumaon, Garhwal, and Tarai Districts. [See Gazette of India, 1891, Pt. I, p. 414, and North-Western Provinces and Oudh Gazette, 1891, Pt. I, p. 346.]
1801	X	² The Bengal State Offences Regu- lation, 1801.	Ditto	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1806	XI	³ The Bengal Troops Trans- port and Travel- lers' Assistance Regu l a t i o n, 1806.	Ditto	Ditto.
"	XVII	⁴ <i>I n t e r e s t ; Redemption.</i>	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
1810	XIX	⁵ <i>Native Endow- ments ; Es- cheats.</i>	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
"	XX	⁶ <i>M i l i t a r y Bazaars.</i>	Ditto	Ditto.
1817	V	⁷ <i>Hidden Treas- ure.</i>	Ditto	Ditto.

¹ *Supra*, Vol. I. This title was given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

² Now the Governor of the United Provinces of Agra and Oudh.

³ *Supra*, Vol. I. These titles were given by the Amending Act, 1897 (5 of 1897) s. 4, General Acts, Vol. IV.

⁴ Bengal Regulation 17 of 1806 was repealed in the Province of Agra, and therefore in the Scheduled Dis- tricts of that Province by the Transfer of Property Act, 1882 (4 of 1882), General Acts, Vol. III.

⁵ Bengal Regulation 19 of 1810 was repealed in the Province of Agra, and therefore in the Scheduled Dis- tricts by Act 8 of 1884 which in its turn was also repealed by the Amending Act, 1891 (12 of 1891), General Acts, Vol. IV.

⁶ Bengal Regulation 20 of 1810 was repealed in the whole of British India, and therefore in the Scheduled Districts of the Province of Agra by the Cantonments Act, 1889 (13 of 1889), which in its turn was repealed by the Cantonments Act, 1910 (15 of 1910), General Acts, Vol. VII.

⁷ Bengal Regulation 5 of 1817 was repealed in the whole of British India and therefore in the Scheduled Districts of the Province of Agra by the Indian Treasure Trove Act, 1878 (6 of 1878), General Acts, Vol. II.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(I)—Bengal Regulations—contd.				
1818	III	¹ The Bengal State Prisoners Regulation, 1818.	Extended .	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1819	VI	² <i>Ferries ; Police</i>	<i>Ditto</i> .	<i>Ditto</i> .
1822	XI	³ The Bengal Government Indemnity Regulation, 1822.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
1823	VII	⁴ The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823.	Extended .	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1825	VI	⁴ The Bengal Troops Transport Regulation, 1825.	<i>Ditto</i> .	<i>Ditto</i> .
1825	XI	⁴ The Bengal Alluvion and Diluvion Regulation, 1825.	<i>Ditto</i>	No. 639-VII-281, dated *the 27th June, 1891.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the ⁵ Lieutenant-Governor of the North-Western Provinces is pleased to extend, so much of Bengal Regulation XI of 1825, alluvion and diluvion, as is in force in those parts of the North-Western Provinces which are not included in any Scheduled District, to the districts of Almora, Garhwal, and Nani Tal (exclusive of the Tarai Sub division) which correspond to the Scheduled District described in the said Scheduled Districts Act as the Province of Kumaon and Garhwal. (See <i>Gazette of India</i> , 1905, Pt. I, p. 572).

¹ *Supra*, Vol. I. This title was given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

² Bengal Regulation 6 of 1819 was repealed in the Province of Agra, and therefore also in the Scheduled Districts of that Province by the Northern India Ferries Act, 1878 (17 of 1878), *supra*, Vol. I.

³ *Supra*, Vol. I. This title was given by the Amending Act, 1903 (1 of 1903), Bengal Code, Vol. I.

⁴ *Supra*, Vol. I. These titles were given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

⁵ Now the Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(1)—Bengal Regulations—conold.				
1825	XX	Courts Martial and Military Court of Requests.	Extended	See Notification No 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1829	XVII	The Bengal Sati Regulation, 1829.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
1831	XI	Police-powers of Tahsildars.	Ditto	Ditto.
1833	IX	The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833.	Ditto	Ditto.
(2)—Acts of the Governor General in Council.				
1837	IV	The Property in Land Act, 1837.	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1838	XXV	The Wills Act, 1838.	Ditto	Ditto
1839	XXIX	The Dower Act, 1839.	Ditto	Ditto.
"	XXXII	The Interest Act, 1839.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
1840	VI	Bills of Exchange.	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1841	XI	Military Courts of Requests.	Ditto	Ditto.
"	XVIII	Export of Military Stores.	Ditto	Ditto.

* Ben Reg. 20 of 1825 was repealed by Act 10 of 1882 which was also repealed by Act 5 of 1893, Genl. Acts, Vol. V.

* *Supra*, Vol. I. This title was given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

* *Supra*, Vol. I.

* *Supra*, Vol. I. This title was given by the Amending Act, 1903 (1 of 1903), Bengal Code, Vol. I.

* General Acts, Vol. I. These titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

* Act 6 of 1840 was repealed in British India and therefore in the Scheduled Districts by the Negotiable Instruments Act, 1881 (26 of 1881), General Acts, Vol. III.

* Act 11 of 1841 was repealed in British India, and therefore in the Scheduled Districts by Act 8 of 1897 which has also been repealed by the Amending Act, 1891 (12 of 1891) Genl. Acts, Vol. IV.

* Act 18 of 1841 was repealed by the Arms Act, 1878 (11 of 1878) General Acts, Vol. II.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2) <i>Acts of the Governor General in Council—contd.</i>				
1841	XIX	¹ The Succession (Property Protection) Act, 1841.	Extended	See Notification No. 1741, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1842	IX	² Extending 4 & 5 Vict., c. 21 (Lease and Release) to India.	Intto	Ditto
"	XII	³ Military Bazzars.	Ditto	Ditto.
1843	V	⁴ The Indian Slavery Act, 1843.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1160.
1847	XX	⁵ The Indian Copyright Act, 1847.	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1850	XII	⁶ The Public Accountant's Defaults Act, 1850.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
"	XVIII	⁶ The Judicial Officers Protection Act, 1850.	Ditto	Ditto.
"	XIX	⁶ The Apprentices Act, 1850.	Extended	See Notification No. 1747, dated 2nd November 1876, <i>supra</i> p. 1170.
"	XXI	⁶ The Caste Disabilities Removal Act, 1850.	Ditto	Ditto.
"	XXXIV	⁶ The State Prisoners Act, 1850.	Ditto	Ditto.
"	XXXVII	⁶ The Public Servants (Inquiries) Act, 1850.	Ditto	Ditto.

¹ General Acts, Vol. I. This title was given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

² Act 9 of 1842 was repealed in the whole of British India, and therefore in the Scheduled Districts of the Province of Agra by the Amending Act, 1891 (12 of 1891), General Acts, Vol. IV.

³ Act 12 of 1842 was repealed in the whole of British India and therefore in the Scheduled Districts of the Province of Agra by Act 8 of 1887 which was also repealed by the Amending Act, 1891 (12 of 1891), General Acts, Vol. IV.

⁴ General Acts, Vol. I. These titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

⁵ Act 20 of 1847 was repealed in the whole of British India and therefore in the Scheduled Province of Agra by Act 8 of 1914, General Acts, Vol. VIII.

⁶ General Acts, Vol. I. This title was given by the Public Servants (Inquiries) Act (1850) Amendment Act, 1897 (1 of 1897), s. 1, General Acts, Vol. IV.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council— contd.				
1852	XXXIII	¹ Enforcement of Judgments.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
1853	II	² The Landholders Public Charge, and Duties Act, 1853	Ditto	Ditto.
"	XIX	³ Recusant Witnesses (Section 26).	Ditto	Ditto.
1854	XVI	⁴ Police . . .	Ditto	Ditto.
"	XVIII	⁵ Railways . . .	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1855	XI	⁶ The Mesne Profits and Improvements Act, 1855.	Ditto	Ditto.
"	XII	⁶ The Legal Representatives' Suits Act, 1855.	Ditto	Ditto.
"	XIII	⁶ The Indian Fatal Accidents Act, 1855.	Ditto	Ditto.
"	XXVIII	⁶ The Usury Laws Repeal Act, 1855.	Ditto	Ditto.
1856	XI	⁶ The European Deserters' Act, 1856.	Ditto	Ditto.
"	XV	⁶ The Hindu Widows' Remarriage Act, 1856.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.

¹ Act 33 of 1852 was repealed in the whole of British India, and therefore in the Scheduled Districts of the Province of Agra by Act 8 of 1887 which has also been repealed by the Amending Act, 1891 (12 of 1891) General Acts, Vol. IV.

² General Acts, Vol. I. This title was given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

³ Act 19 of 1853 was repealed in the United Provinces of Agra and Oudh by the Amending Act, 1908 (1 of 1908), Bengal Code, Vol. I.

⁴ *Supra*, Vol. I.

⁵ Act 12 of 1854 was repealed by Act 4 of 1879 which was also repealed by Act 9 of 1890, General Acts Vol. IV.

⁶ General Acts, Vol. I. These titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)— <i>Acts of the Governor General in Council—contd.</i>				
1856	XX	¹ <i>The Bengal (Chaukidari) Act, 1856.</i>	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1857	XI	² <i>The State Offences Act, 1857.</i>	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
"	XIII	³ <i>The Opium Act, 1857.</i>	Ditto	Ditto.
1858	III	² <i>The State Prisoners Act, 1858.</i>	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
"	XXXV	⁴ <i>The Lunacy (District Courts) Act, 1858.</i>	Ditto	Ditto.
"	XXXVI	⁴ <i>The Indian Lunatic Asylums Act, 1858.</i>	Ditto	Ditto.
"	XL	⁵ <i>Minors . . .</i>	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
1859	III	⁶ <i>Cantonment Joint Magistrates.</i>	Ditto	Ditto.
"	VIII	⁷ <i>Civil Procedure (except Chapters VIII, X and XI, and sections 119, 246, 247, 269, and 325, in so far as they relate to appeals).</i>	Ditto	Ditto.
"	IX	⁸ <i>The Forfeiture Act, 1859.</i>	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
"	XIV	⁹ <i>Limitation of Suits (section 15).</i>	Ditto	Ditto.

Vol. II.

¹ General Acts, Vol. I. These titles were given by the Indian Short Titles Act, 1897 (14 of 1907), General Acts, Vol. IV.

² *Supra*, Vol. I. This title was given by the Amending Act, 1903 (1 of 1903), Bengal Code, Vol. I.

³ These Acts have been repealed by the Lunacy Act, 1912 (4 of 1912), General Act, Vol. VII.

⁴ Act 40 of 1858 was repealed by the Guardian and Wards Act, 1890 (8 of 1890), General Acts, Vol. IV.

⁵ Act 3 of 1859 was repealed by Act 8 of 1887 which was also repealed by the Amending Act, 1891 (12 of 1891) General Acts, Vol. IV.

⁶ Act 8 of 1859 was repealed by Act 10 of 1877. See Act 5 of 1908 now in force, General Acts, Vol. VI.

⁷ Act 14 of 1859, s. 15, is superseded by Act 1 of 1877, s. 9, which has been extended to Kumaon and Garhwal, see Notification No. 558-VII-281, dated 17th July, 1886, printed *infra*, p. 1180.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1859	XV	¹ Patents . . .	Extended .	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1860	XXI	² The Societies' Registration Act, 1860.	Ditto .	Ditto.
"	XXVII	³ Collection of debts on succession.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
1861	V	⁴ The Police Act, 1861.	Extended .	No. 260 288-A.—20, dated the 6th March, 1891.—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, the ⁴ Lieutenant-Governor of the North-Western Provinces is pleased, with the previous sanction of His Excellency the Governor General in Council, to extend Act V of 1861 (<i>an Act for the Regulation of the Police</i>) to the ⁵ Kumaon and Garhwal Districts. [See Gazette of India, 1891, Pt. I, p. 185, and North-Western Provinces and Oudh Gazette, 1891, pt. I, p. 145.]
"	IX	⁶ Minors . . .	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
"	XXIII	⁷ Civil Procedure .	Ditto .	Ditto.
1862	III	⁸ The Government Seal Act, 1862	Extended .	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1863	IX	⁷ Civil Procedure .	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.

¹ Act 15 of 1859 was repealed in British India, and therefore in the Scheduled Districts of the Province of Agra by the Patents and Designs Act, 1889 (2 of 1889), which has also been repealed by Act 2 of 1911, General Acts, Vol. VII.

² General Acts, Vol. I. These titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

³ Act 27 of 1860 was repealed in British India, and therefore in the Scheduled Districts of the Province of Agra by the Succession Certificates Act, 1889 (7 of 1889), General Acts, Vol. IV.

⁴ Now the Governor of the United Provinces of Agra and Oudh.

⁵ Now known as the Kumaon Division, see Notification No. 644—VIII-281, dated the 27th June 1894, opposite the Specific Relief Act, 1877 (1 of 1877), *supra*, p. 1181.

⁶ Act 9 of 1861 was repealed by the Guardian and Ward Act, 1890 (8 of 1890), General Acts, Vol. IV.

⁷ Acts 28 of 1861 and 9 of 1863 were repealed by Act 10 of 1877, see Act 5 of 1908 now in force, General Acts, Vol. VI.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1863	XVI	¹ The Excise (Spirits) Act, 1863	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
"	XX	¹ The Religious Endowments Act, 1863.	Ditto	Ditto.
"	XXIII	¹ The Waste-lands (Claims) Act, 1863.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
"	XXXI	¹ The Official Gazettes Act, 1863.	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1864	III	¹ The Foreigners Act, 1864	Ditto	Ditto.
"	VI	² The Whipping Act, 1864.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
1865	III	¹ The Carriers Act, 1865	Ditto	Ditto.
"	XI	³ <i>Mufassal Small Causes Courts.</i>	Ditto	Ditto.
"	XV	³ The Parsi Marriage and Divorce Act, 1865.	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
"	XXI	¹ The Parsi Intestate Succession Act, 1865.	Ditto	Ditto.
1866	V	⁴ <i>Bills of Exchange; Commercial Law.</i>	Ditto	Ditto.
"	X	⁵ <i>Companies</i>	Ditto	Ditto.
"	XXI	⁶ The Native Converts Marriage Dissolution Act, 1866.	Ditto	Ditto.

¹ General Acts, Vol. I. These titles were given by the Indian Short Titles Act, 1897 (14 of 1897), (General Acts, Vol. IV.

² Act 6 of 1864 was repealed by Act 4 of 1909, Genl. Acts, Vol. VII.

³ Act 11 of 1865 was repealed by the Provincial Small Cause Courts Act, 1887 (9 of 1887), (General Acts, Vol. IV. For Act 15 of 1865, see General Acts, Vol. I.

⁴ Act 5 of 1866 was repealed by the Transfer of Property Act, 1900 (2 of 1900), (General Acts, Vol. V, which applies to the Province of Agra including the Scheduled Districts.

⁵ Act 10 of 1866 was repealed in British India, and therefore in the Scheduled Districts of the Province of Agra by the Indian Companies Act, 1882 (6 of 1882); Act 6 of 1882 was repealed by Act 7 of 1913, General Acts, Vol. VII.

⁶ General Acts, Vol. I.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1866	XXVIII	¹ The Transfer and Mortgage Powers Act, 1866.	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1867	X	² References by Mafassal Small Cause Courts.	Declared in force.	See Notification No. 1746, dated 2nd November, 1876, <i>supra</i> , p. 1169.
"	XXV	³ The Press and Registration of Books Act, 1867.	Ditto	Ditto.
1869	XV	⁴ Prisoners' Testimony	Ditto	Ditto.
1870	XXIII	⁵ The Indian Coinage Act, 1870.	Extended	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.
1871	XXII	⁶ The Bengal Chowkidari (Amendment) Act, 1871.	Ditto.	Ditto.
"	XXV	⁷ Railways	Ditto	Ditto.
1873	XIX	⁸ Land Revenue, North-Western Provinces (section 13)	Ditto	No. 534, dated the 7th November 1879. [See Gazette of India, 1879, Pt. I, p. 720, and North-Western Provinces and Oudh Gazette, 1879, Pt. I, p. 237.]
"	"	⁹ Land Revenue, North-Western Provinces (section 14).	Ditto	No. 2468—1-723-A., dated the 3rd October, 1891. [See Gazette of India, 1891, Pt. I, p. 570, and North-Western Provinces and Oudh Gazette, 1891, Pt. I, p. 507.]
"	"	¹⁰ Land Revenue, North-Western Provinces (sections 95 to 98.)	Ditto	No. 373, dated the 20th July, 1878. [See Gazette of India, 1878, Pt. I, p. 453, and North-Western Provinces and Oudh Gazette, 1878, p. 1113.]
"	"	¹¹ Ditto. Chapters III, V and VI, and sections 94 and 140 to 145 of Chapter IV.	Ditto	See Notification No. 1747, dated 2nd November, 1876, <i>supra</i> , p. 1170.

¹ General Acts, Vol. I. The title to Act 25 of 1867 was given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

² Act 10 of 1867 was repealed by Act 10 of 1877; but see now Act 5 of 1908, General Acts, Vol. VI.

³ Act 15 of 1869 was repealed by the Prisoners Act, 1900 (3 of 1900), General Acts, Vol. V.

⁴ Act 23 of 1870 was repealed in British India, and therefore in these Scheduled Districts by the Indian Coinage Act, 1906 (3 of 1906) General Acts, Vol. VI.

⁵ Act 22 of 1871 was repealed in the United Provinces of Agra and Oudh by Act 18 of 1919.

⁶ Act 25 of 1871 was repealed by Act 4 of 1879. The Act relating to Railways now in force in British India including the Scheduled Districts is Act 9 of 1890, General Acts, Vol. IV.

⁷ Repealed by the United Provinces Land Revenue Act, 1901 (U. P. Act 3 of 1901), which has been extended to these districts. See Notification on p. 1183 *infra*.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1873	XIX	¹ Land Revenue, North-Western Provinces (sections 99 to 101).	Extended	No. 1378, dated the 16th August, 1887. [See Gazette of India, 1887, Pt. I, p. 128, and North-Western Provinces and Oudh Gazette, 1887, Pt. I, p. 381.]
"	"	¹ Ditto (sections 15, 22, 238, 239, 240, 242, (second clause) and 243 with modifications).	Ditto	No. 632-VII 281, dated 27th June, 1894. [See Gazette of India, 1895, Pt. I, p. 371.]
"	"	¹ Ditto (section 257, clauses (c) to (f).)	Ditto	No. 457-I-595-A., dated the 24th March, 1890. [See Gazette of India, 1890, Pt. I, p. 220, and North-Western Provinces and Oudh Gazette, 1890, Pt. I, p. 154.]
1877	I	² Specific Relief (section 9).	Ditto	No. 558-VII-287, dated the 17th July, 1886.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), ³ the Lieutenant-Governor of the North-Western Provinces is pleased, with the previous sanction of the Governor General in Council, to extend section 9 of Act I of 1877 (the Specific Relief Act, 1877) to — the Province of Kumaon and Garwal; the Tarai Parganas; the Scheduled portion of the Mirzapur District, and Pargana Jaunsar Bawar in the Dehra Dun District. [See Gazette of India, 1886, Pt. I, p. 452, and North-Western Provinces and Oudh Gazette, 1886, Pt. I, p. 330.]

¹ Repealed by the United Provinces Land Revenue Act, 1901 (U. P. Act, 3 of 1901), which has been extended to those districts, see notification, *infra*, p. 1188.

² General Acts, Vol. II.

³ Now the Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1.—KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2) - Acts of the Governor General in Council—contd.				
1871	I	Specific Relief (the whole except section 9).	Extended	No. 641-VII-281, dated the 27th June, 1894.—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Lieutenant Governor of the North-Western Provinces is pleased, in continuation of Notification No. 558-VII—281, dated the 17th July, 1886, to extend so much of the Specific Relief Act (I of 1877) as is not yet in force there to the Kumaon Division, comprising the districts of Almora, Garhwal and Nainital, which division corresponds to the Scheduled Districts described in the said Scheduled Districts Act as the Province of Kumaon and Garhwal and the Tarai Parganas.
				[See Gazette of India, 1895, Pt. I, p. 573.]
1882	XIV	Civil Procedure (sections 223 to 228).	Ditto	No. 108-VII—281, dated the 19th February, 1889.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, the Lieutenant Governor of the North-Western Provinces and Chief Commissioner of Oudh is pleased, with the previous sanction of the Governor General in Council, to extend sections 223 to 228 of the Code of Civil Procedure to the Province of Kumaon and Garhwal and the Tarai Parganas.
				[See Gazette of India, 1889, Pt. I, p. 151, and North-Western Provinces and Oudh Gazette, 1889, Pt. I, p. 109.]

¹ Now the Governor of the United Provinces of Agra and Oudh.

² Rep. Act 5 of 1908 which has been extended, *see infra*.

For notification codifying the Rules, Orders, Forms and the Registers for Civil Courts in the Kumaon Division, issued with reference to s. 6 (b) of the Scheduled Districts Act, 1874 (14 of 1874), *see* No. 1166-VII-570-13, dated the 20th December, 1897, North-Western Provinces and Oudh Gazette, 1898, Pt. I, p. 14.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
1882	XIV	¹ Civil Procedure (sections 223 to 228).	Extended	No. 611-VII—281, dated the 27th June, 1894.—In exercise of the powers conferred by sections 5 and 5-A of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the ² Lieutenant-Governor of the North-Western Provinces is pleased, in continuation of Notification No. 108-VII-281, dated 23rd July, 1890, to extend, with effect from the 1st August, 1894, the Code of Civil Procedure, XIV of 1882, to the Kumaon Division, comprising the districts of Almora, Garhwal, and Naini Tal, which division corresponds to the Scheduled Districts described in the said Scheduled Districts Act as the Province of Kumaon and Garhwal and the Tarai Parganas, and to declare that the operation of the said Code in the said division shall be subject to the following modifications, namely:— (1) In section 11, after the word "force," the words "or by any rule made under any such enactment" shall be added. (2) To section 15 the following words shall be added, namely:— "Provided that the District Court may by order in writing direct that any business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit: "Provided also that a direction given under this section shall not empower any Court to exercise any power or deal with any business beyond the limits of its proper jurisdiction."

¹ *Rep. Act 5 of 1908 which has been extended, see infra.*

For notification codifying the Rules, Orders, Forms and the Registers for Civil Courts in the Kumaon Division issued with reference to s. 6 (b) of the Scheduled Districts Act, 1874 (14 of 1874), see No. 1165-VII-570-B., dated the 29th December, 1897, North-Western Provinces and Oudh Gazette, 1898, Pt. I, p. 14.

² Now the Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)— <i>Acts of the Governor General in Council—concl'd.</i>				
1882	XIV	<i>Civil Procedure, Lohri</i>		(2) For section 37 the following shall be substituted, namely,— 37. The recognized agents of parties Recognized agents. by whom such appearances, applications, and acts may be made or done are— (a) permanent servants, partners, relations or friends whom the Court admit as fit persons to represent parties; and especially,— (b) persons holding powers-of-attorney from absent parties, parties carrying on business on behalf of bankers and traders, managing agents of landlords, nearest male relations of women and persons ex-officio authorized to act for Government or for any Prince or Chief." (4) In section 685, for the word "five" the word "one" shall be substituted; and (5) In section 652, after the words "the High Court may from time to time" the words "with the previous sanction of the Local Government" shall be inserted. [See Gazette of India, 1895, Pt. I, p. 573.]
1907	III	^a Provincial Involucency.	Ditto	See Notification No. 804-VII-146, dated 9th August, 1909, <i>infra</i> , p. 1205.
1908	V	Code of Civil Procedure.	Ditto	See Notification No. 6-VII-346, dated 1st January, 1909, <i>infra</i> , p. 1206.
(3)— <i>Acts of the Lieutenant-Governor of the United Provinces.</i>				
1901	III	¹ United Provinces Land Revenue Act, 1901.	Extended as modified by the notification set out in next column.	No. 134-I.—624, dated the 19th January 1918.—In supersession of Notification No. 631-I.—704, dated the 24th March, 1913, and in exercise of the powers conferred by sections 5 and 5A of the Scheduled Districts Act, 1874 (XIV of

¹ In consequence of the extension of this Act to the Kumaon division (excluding the settled tracts of the Tarai sub-division), the Kumaon Rules of 1893 have been modified by Notification No. 2897—1-305-H, dated the 20th August, 1904, see United Provinces Gazette, 1904, Pt. I, p. 500.

² Act 8 of 1907 has been repealed by Act 5 of 1920.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL---contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(3)—Acts of the Lieutenant-Governor of the United Provinces— contd.				
1901	III	United Provinces Land Revenue Act, 1901.	Extended as modified by the notification set out in next column.	<p>1874), and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor of the United Provinces of Agra and Oudh is pleased to extend the United Provinces Land Revenue Act, 1901 (United Provinces Act III of 1901), to the Almora district, to the Garhwal district exclusive of the <i>kham</i> villages of the Garhwal Bhabar estates, and to the Naini Tal district exclusive of the Kashipur Tahsil (whole), the Tarai Tahsil (whole) and the <i>kham</i> villages of the Bhabar Tahsil of that district, and to direct that the said Act as so extended shall be subject to the following restrictions and modifications, namely:</p> <p>1. The following portions of the said Act shall be deemed to have been omitted :—</p> <p>In section 1, sub-sections 2 and 3; sections 2 and 3; in section 4, clauses (1), (12), (13), (14) and (15); in section 8 the word "on appeal"; in section 23, the words "as hereinafter provided," and the whole of sub-section (2) except the 1st eleven words; sections 24, 32, 36, 42, 43, 55 and 63; in section 68 the proviso; sections 69 and 70; in section 72 the words and figures "The co-sharers accepting the transfer shall pay to the proprietor any annual allowance to which he is entitled under section 74;" sections 74, 76, 77, 79 to 83, 87 to 91, 100, 101, 104, 106 to 140, 184 to 187; in section 210, clause (c) of sub-section (7) and the words "and partition proceeding under section 114" in sub-section (2); in section 212 the words "or to the Board as the case may be" and</p>

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(3)— <i>Acts of the Lieutenant-Governor of the United Provinces—contd.</i>				
901	111	United Provinces Land Revenue Act, 1901.	Extended as modified by the notification set out in next column.	<p>clause (n) ; section 213 ; in section 214, sub-section (3) ; in section 219 the words " in which no appeal lies to the Board ; " in section 227, clauses (1), (6), (14), (15), (17) ; in section 231, clauses (1), (5), (7) and (9) ; in section 233, clause (i) ; in section 234, clause (f) ; the words " and in making remission, suspension or reduction of rent under section 101 " in clause (1) ; clauses (m), (n), (t) and (u) ; and the First and the Second Schedules.</p> <p>2. The following modifications shall be deemed to have been made in the said Act :—</p> <p>(a) In section 4 for clause (3), substitute :—" lambardar " means—</p> <p>(a) a co-sharer of a mahal appointed under this Act to represent all or any of the co-sharers in that mahal or a mukhtar or recognised agent of such co-sharer whether called a mal-guzar, padhan, or sirgiroh, and</p> <p>(a) a gharpadhan.</p> <p>(b) In section 17, for the words " Naib Tahsildars " substitute the word " Peshkars."</p> <p>(c) In section 25 for the word " annual " substitute the word " prescribed."</p> <p>(d) For section 33, substitute " The Collector shall maintain a record-of-rights and registers in accordance with the rules made under section 234 of this Act. No change or transaction affecting the registers prescribed by such rules shall be recorded without the order of the Collector or, as hereinafter provided, of the tahsildar or a peshkar invested with the powers of a tahsildar."</p>

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

I. KUMAON AND GARHWAL—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(3)— <i>Acts of the Lieutenant-Governor of the United Provinces— contd.</i>				
1901	III	United Provinces Land Revenue Act, 1901	Extended as modified by the notification set out in next column.	<p>(e) In section 34, sub-section (1), for the words "prescribed by clauses (a) to (d) of section 32" <i>substitute</i> the words "maintained under section 33," and for the words "to the tahsildar" <i>substitute</i> the words "to the tahsildar or peshkar."</p> <p>(f) For section 35, <i>substitute</i> "The tahsildar or a peshkar exercising the powers of a tahsildar, on receiving such report or upon the facts coming otherwise to his knowledge, shall make such inquiry as appears necessary and in undisputed cases, if the succession or transfer appears to have taken place, shall record the same in the prescribed registers; if the succession or transfer is disputed, the tahsildar or peshkar shall refer the case to the Collector who shall dispose of it after deciding the dispute in accordance with the provisions of section 40."</p> <p>(g) In section 38, for the words "three months" <i>substitute</i> the words "six months."</p> <p>(h) In section 39, sub-section (3), for the words "shall, subject to the provisions" to the end of the sub-section <i>substitute</i> the words "shall pass orders in accordance with the customs regulating tenures in Kumaon, and, if necessary cause the prescribed registers to be amended."</p> <p>(i) In section 40, sub-section (1) for the word "annual" <i>substitute</i> the word "prescribed."</p> <p>(j) In section 41, sub-section (1) after the words "All disputes regarding boundaries" <i>add</i> the words "in measured lands."</p> <p>(k) For section 44, <i>substitute</i> "All entries in the prescribed registers made under section 33 shall be presumed to be true until the contrary is proved."</p> <p>(l) In section 45, sub-section (1), for the words "he shall issue"</p>

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd

1. KUMAON AND GARHWAL—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(3)— <i>Acts of the Lieutenant-Governor of the United Provinces—contd.</i>				
1901	III	United Provinces Land Revenue Act, 1901	Extended as modified by the notification set out in next column.	<p>to the end of the sub-section <i>substitute</i> the words "he shall make such appointment in accordance with the rules and customs in force in Kumaon."</p> <p>(m) In section 53, for the words and figures "containing the registers enumerated in section 32 or such of them" <i>substitute</i> "containing such registers."</p> <p>(n) In section 54, for the words and figures "the provisions of sections 40, 41, 42 and 43" <i>substitute</i> the words and figures "with sections 40 and 41 and the rules in force in Kumaon."</p> <p>(o) In section 57, for the words "any interest in land" to the end of the section, <i>substitute</i> the words "any proprietary right in land which requires to be recorded in the registers which the Collector is required to maintain under the rules in force in Kumaon."</p> <p>(p) In section 61, for the words "annual registers" <i>substitute</i> the words and figures "record-of-rights and registers maintained by the Collector under section 33."</p> <p>(q) In section 68, for the words "any annual allowance to which he may be entitled under section 74" <i>substitute</i> the words "such annual allowance as the Settlement Officer or Collector may determine as reasonable."</p> <p>(r) In section 94, sub-section (3), for the figures "79" <i>substitute</i> the figures "78."</p> <p>(s) In section 159, for the figures "74" <i>substitute</i> the figures "73."</p> <p>(t) In section 191, <i>add</i> at the end the words "or to itself or himself."</p> <p>(u) In section 193, for the words "sections 640 and 641 of the Code of Civil Procedure" <i>read</i> "sections 132 and 133 of the Code of Civil procedure, 1908."</p>

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(3)— <i>Acts of the Lieutenant-Governor of the United Provinces— contd.</i>				
1901	III	United Provinces Land Revenue Act, 1901.	Extended as modified by the notification set out in next column.	<p>(v) In section 194, for "section 174 of the Code of Civil Procedure," read "the rules in Order XVI of the 1st Schedule of the Code of Civil Procedure, 1908, as in force under the provisions of the Kumaon Tenancy Rules."</p> <p>(w) In section 199, for "the Code of Civil Procedure, sections 160, 161 and 162" read "Order XVI of the first Schedule of the Code of Civil Procedure, 1908, as in force under the provisions of the Kumaon Tenancy Rules."</p> <p>(x) In section 204, for "sections 507 to 521," read "section 80 and the second Schedule."</p> <p>(y) Substitute the following for section 210, sub-section (1) :— "210. (1) Save as otherwise provided in this Act, or as provided by any other rule or enactment for the time being in force, appeals shall lie under this Act as follows :—"</p> <p>(z) In section 224, for the words "Naib Tahsildar," substitute the word "Peshkar."</p> <p>(aa) In section 227, clause (8), for the word and figures "to 43," substitute the word and figures "and 41," and in clause (18) after the words "by this Act" add the words "as extended to Kumaon."</p> <p>(bb) In section 233, in clause (g), for the figures "83" substitute the figures "78;" in clause (k), for the words and figures "sections 111 and 112" substitute the words "Rules made for Kumaon under section 6 of the Scheduled Districts Act, XIV of 1874;" and add a new clause (n) :— "(n) Grants of unmeasured or unassessed waste lands."</p> <p>(cc) In section 234, clause (a), for the words "Naib Tahsildars," substitute the word "Peshkars;" and to this section, which should be numbered sub-section (1), add a new sub-section (2) as follows :—</p>

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

1. KUMAON AND GARHWAL—concl'd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(3)— <i>Acts of the Lieutenant-Governor of the United Provinces—concl'd.</i>				
1901	III	United Provinces Land Revenue Act, 1901.	Extended as modified by the notification set out in next column.	"(2) The Commissioner may from time to time subject to the approval of the Board and the sanction of the Local Government make rules consistent with this Act regulating the appointment, duties and dismissal of lambar-dars." [See Gazette of India 1918, Pt. II, p. 122 and U. P. Gazette, 1918, Pt. I, p. 77.]

2.—THE TARAI PARGANAS.¹

(1) *Bengal Regulations.*

1793	XXXVIII	² The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.	Extended	No. 1554, dated the 22nd September, 1876.—In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, the ³ Lieutenant-Governor of the North-Western Provinces is pleased, with the sanction of the Governor General in Council to extend so much of each enactment mentioned in the schedule hereto annexed as is in force in those parts of the North-Western Provinces which are not included in any scheduled District to the Tarai District. (Here follows the Schedule, which contains, among other enactments, Bengal Regulation XXXVIII of 1793.) [See Gazette of India, 1876, Pt. I, p. 506, and North-Western Provinces Gazette, 1876, Pt. II, p. 1279.]
1798	I	⁴ Conditional Sales.	Ditto	Ditto.

¹ These parganas are now known as the Tarai sub-division of the Naini Tal district of the Kumaon division: see Notification No. 646-VII-281, dated the 27th June, 1904, *infra*, p. 1191.

² *Supra*, Vol. I. This title was given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

³ Now the Governor of the United Provinces of Agra and Oudh.

⁴ Beng. Reg. I of 1798 was repealed in the Province of Agra, and therefore in the Scheduled Districts of that Province by the Transfer of Property Act, 1882 (4 of 1882), General Acts, Vol. III.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(1)—Bengal Regulations—contd.				
1799	V	¹ The Bengal Wills and Intestacy Regulation, 1799	Extended	See Notification No. 589-VII-369-B., dated 3rd July, 1891, <i>supra</i> , p. 1171.
1804	X	¹ The Bengal State Offences Regulation, 1804.	Ditto	See Notification No. 1554, dated 22nd September 1876, <i>supra</i> , p. 1189.
1806	XI	¹ The Bengal Troops, Transport and Travelers' Assistance Regulation, 1806.	Ditto	Ditto.
1806	XVII	² Interest Redemption.	Declared in force.	See Notification No. 1553, dated the 22nd September 1876, <i>infra</i> , p. 1195.
1810	XX	³ Military Bazzars.	Extended.	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
1817	V	⁴ Hidden Treasure.	Ditto	Ditto.
1818	III	¹ The Bengal State Prisoners Regulation, 1818.	Ditto	Ditto.
1819	VI	⁵ Ferries; Police.	Ditto	Ditto.
1822	XI	⁶ The Bengal Government Indemnity Regulation, 1822.	Ditto	Ditto.

¹ *Supra*, Vol. I. These titles were given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

² Beng. Reg. 17 of 1806 was repealed in the Province of Agra and therefore in the Scheduled Districts of that Province by the Transfer of Property Act, 1882 (4 of 1882), General Acts, Vol. III.

³ Beng. Reg. 20 of 1810 was repealed by the Cantonments Act, 1889 (13 of 1889). Act 13 of 1890 was repealed by Act 15 of 1910. General Act, Vol. VII.

⁴ Beng. Reg. 6 of 1817 was repealed by the Indian Treasure Trove Act, 1878 (6 of 1878), General Acts, Vol. II.

⁵ Beng. Reg. 6 of 1819 was repealed in the Province of Agra and therefore in these parganas by the Northern India Ferries Act, 1878 (17 of 1878), *supra*, Vol. I.

⁶ *Supra*, Vol. I. This short title was given by the Amending Act, 1903 (1 of 1903), s. 2, Bengal Code, Vol. I.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(1)— <i>Bengal Regulations— contd.</i>				
1823	VII	¹ The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823	Extended	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189
1825	VI	² The Bengal Troops Transport Regulation, 1825.	Ditto	Ditto.
"	XI	³ The Bengal Alluvion and Diluvion Regulation, 1825	Ditto	Ditto.
"	XX	⁴ Courts Martial and Military Courts of Request.	Ditto	Ditto.
1829	XVII	⁵ The Bengal Sati Regulation, 1829.	Ditto	Ditto.
1831	XI	⁶ Police power of Tahsildars.	Ditto	Ditto.
1833	IX	⁷ The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833.	Ditto	No. 646-VII-281, dated the 27th June, 1891.— In exercise of the powers conferred by section 3 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council the ⁸ Lieutenant-Governor of the North-Western Provinces is pleased to declare that so much of each of the enactments mentioned in the schedule hereto annexed as is in force in those parts of the North-Western Provinces which are not included in any scheduled district is in force in the Tarai

¹ *Supra*, Vol. I. These titles were given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

² Ben. Reg. 20 of 1825 was repealed by Act 10 of 1882 which was also repealed by Act 5 of 1898, General Acts, Vol. V.

³ *Supra*, Vol. I.

⁴ *Supra*, Vol. I. This short title was given by the Amending Act, 1903 (1 of 1903), s. 2, Bengal Code, Vol. I.

⁵ Now the Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
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(1) *Bengal Regulations—contd.*

1833	IX — <i>concl'd.</i>	The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833— <i>concl'd.</i>	Extended	sub-division of the Naini Tal district, which sub-division corresponds to the scheduled district described in the said Scheduled Districts Act as the Tarai Parganas:
SCHEDULE.				
Year.		Number.	Subject.	
(1) <i>Bengal Regulation.</i>				
1833	1	IX	1 Deputy Collectors.	
(2) <i>Acts of the Governor General in Council.</i>				
1837	IV	Property in land.		
1853	II	Public charges on landholders.		
[See Gazette of India, 1895, Part I p. 73.]				

[See Gazette of India, 1895, Part I, p. 573.]

(2)—*Acts of the Governor General in Council.*

1837	IV	The Property in Land Act, 1837.	Extended	See Notification No. 646-VII-281, dated 27th June, 1894, <i>supra</i> , p. 1191.
1838	XXV	The Wills Act, 1838.	Ditto	No. 637-VII-281, dated 27th June, 1894. In exercise of the power conferred by section 5 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of the North-Western Provinces is pleased to extend so much of each enactment mentioned in the schedule hereto annexed as is in force in those parts of the North-Western Provinces which are not included in any scheduled district, to the Tarai sub-division of the Naini Tal district, which sub-division corresponds to the scho-

¹ General Acts, Vol. I. These short titles were given by the Indian Short Titles Act, 1897 (14 of 1897). General Acts, Vol. IV.

² Now the Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.																																							
(2)—Acts of the Governor General in Council—contd.																																											
1838	XXV —concl'd.	The Wills Act, 1838—concl'd.	Extended	duled district described in the said Scheduled Districts Act as the Tarai Parganas. SCHEDULE. <table><tr><th>Year.</th><th>Number.</th><th>Subject.</th></tr><tr><td colspan="3">Acts of the Governor General in Council</td></tr><tr><td>1838</td><td>XXV</td><td>Wills made between 1st February, 1839 and 1st January, 1866</td></tr><tr><td>1839</td><td>XXIX</td><td>Dower.</td></tr><tr><td>1841</td><td>XIX</td><td>Curators in cases of succession.</td></tr><tr><td>1855</td><td>XI</td><td>Mesne Profits and Improvements.</td></tr><tr><td>1856</td><td>XI</td><td>European Deserters.</td></tr><tr><td>1860</td><td>XXI</td><td>Registration of Societies.</td></tr><tr><td>1862</td><td>III</td><td>Government Seal.</td></tr><tr><td>1863</td><td>XXXI</td><td>Official Gazette.</td></tr><tr><td>1866</td><td>V</td><td>Commercial Law.</td></tr><tr><td>"</td><td>XXVIII</td><td>Powers of Mortgagees and Trustees.</td></tr><tr><td>1870</td><td>XXIII</td><td>Coinage.</td></tr></table>	Year.	Number.	Subject.	Acts of the Governor General in Council			1838	XXV	Wills made between 1st February, 1839 and 1st January, 1866	1839	XXIX	Dower.	1841	XIX	Curators in cases of succession.	1855	XI	Mesne Profits and Improvements.	1856	XI	European Deserters.	1860	XXI	Registration of Societies.	1862	III	Government Seal.	1863	XXXI	Official Gazette.	1866	V	Commercial Law.	"	XXVIII	Powers of Mortgagees and Trustees.	1870	XXIII	Coinage.
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1870	XXIII	Coinage.																																									
1839	XXIX	The Dower Act, 1830.	Ditto	See Notification printed immediately above.																																							

¹ General Acts, Vol. I. This short title was given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2) <i>Acts of the Governors General in Council— contd.</i>				
1839	XXXII	¹ The Interest Act, 1839.	Extended	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
1841	XVIII	² Export of Military Stores.	Ditto	Ditto.
"	XIX	¹ The Succession (Property Protection) Act, 1841.	Ditto	See Notification No. 637-VII-281, dated the 27th Jan., 1891, <i>supra</i> , p. 1192.
1843	V	¹ The Indian Slavery Act, 1843.	Ditto	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
1847	XX	³ The Indian Copyright Act, 1847.	Ditto	Ditto.
1850	XII	¹ The Public Accountants' Default Act, 1850.	Ditto	Ditto.
"	XVIII	¹ The Judicial Officers' Protection Act, 1850.	Ditto	Ditto.
"	XIX	¹ The Apprentices Act, 1850.	Ditto	Ditto.
"	XXI	¹ The Caste Disabilities Removal Act, 1850.	Ditto	Ditto.
"	XXIV	¹ The State Prisoners Act, 1850.	Declared in force.	No. 132—VII-281, dated 19th February, 1887. In exercise of the power conferred by section 3 of Act, XIV of 1874 (the Scheduled Districts Act), the Lieutenant-Governor and Chief Commissioner of the North-Western Provinces and Oudh is pleased, with the previous sanction of His Excellency the Governor General in Council, to declare that Act XXXIV of 1850 (<i>An Act for the better custody of State Prisoners</i>) is in force in the Tarai Parganas. [See Gazette of India, 1887, Pt. I, p. 123, and North-Western Provinces and Oudh Gazette, 1887, Pt. I, p. 98.]

¹ General Acts, Vol. I. These titles were given by the Indian Short Titles Act, 1867 (11 of 1867), General Act, Vol. IV.

² Act 18 of 1841 was repealed by the Indian Arms Act, 1878 (11 of 1878), General Act, Vol. II.

³ Act 20 of 1847 was repealed in the whole of British India and therefore in the Scheduled districts of the Province of Agra by Act 8 of 1914, General Acts, Vol. VIII.

⁴ Now the Governor of the United Provinces of Agra and Oudh

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)— <i>Acts of the Governor General in Council—contd.</i>				
1850	XXXVII	"The Public Servants' (Inquiries) Act, 1850.	Extended	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189
1852	XXXIII	"Enforcement of Judgments.	<i>Ditto</i>	<i>Ditto</i> .
1853	II	"The Landholders' Public Charges and Duties Act, 1853.	<i>Ditto</i>	See Notification No. 646-VII-281, dated the 27th June, 1894, <i>supra</i> , p. 1191.
"	XIX	" <i>Reusahl</i> <i>ut</i> <i>reusahl</i> .	<i>Ditto</i>	<i>Ditto</i> .
1854	XVI	"Police . . .	Declared in force.	No. 1553, dated the 22nd September, 1876. In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Lieutenant-Governor of the North-Western Provinces is pleased, with the sanction of the Governor General in Council, to declare that so much of each enactment mentioned in the schedule hereto annexed as is in force in those parts of the North-Western Provinces which are not included in any Scheduled District is in force likewise in the Tarai District. 2. Nothing herein contained shall be deemed to affect the operation of any enactment in force in the Tarai District and not mentioned in the said schedule. (Here follows the Schedule, which contains, among other enactments, the Police Act, 1854 (16 of 1854). [See Gazette of India, 1876, Pt. I, p. 505, and North-Western Provinces Gazette, 1876, p. 1278.]

¹ General Acts, Vol. I. This short title was given by the Public Servants (Inquiries) Act (1850) Amendment Act, 1897 (1 of 1897), General Acts, Vol. IV.

² Act 33 of 1852 was repealed by Act 8 of 1867. Act 8 of 1867 was repealed by the Amending Act, 1891 (12 of 1891), General Acts, Vol. IV.

³ General Acts, Vol. I. This short title was given by the Indian Short Titles Act, 1897 (11 of 1897), General Acts, Vol. IV.

⁴ Act 19 of 1853 was repealed in the United Provinces of Agra and Oudh by the Amending Act, 1903 (1 of 1903), Bengal Code, Vol. I.

⁵ *Supra*, Vol. I.

⁶ Now the Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1854	XVIII	¹ Railways . .	Extended .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
1855	XI	² The Mysore Pro- fits and Improve- ments Act, 1855.	Ditto .	See Notification No. 637-VII-281, dated the 27th June, 1891, <i>supra</i> , p. 1192.
"	XII	² The Legal Re- presentatives' Suits Act, 1855.	Ditto .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XIII	² The Indian Fatal Accidents Act, 1855	Ditto .	Ditto.
"	XXVIII	² The Usury Laws Repeal Act, 1855.	Ditto .	Ditto.
"	XXXIV	³ Execution of Judgments.	Ditto .	Ditto.
1856	XI	² The European Deserters Act, 1856.	Ditto .	See Notification No. 637-VII-281, dated 27th June, 1891, <i>supra</i> , p. 1192.
"	XV	² The Hindu Widows' Re- marriage Act, 1856.	Ditto .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XX	⁴ The Bengal Chaukidari Act, 1856.	Ditto .	Ditto.

¹ Act 18 of 1854 was repealed by Act 4 of 1870, which was also repealed by Act 9 of 1890, General Acts, Vol. IV.

² General Acts, Vol. I. These short titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

³ Act 34 of 1855 was repealed by Act 10 of 1877, see now the Civil Procedure Code, 1908 (Act 5 of 1908), since extended to these parganas, *supra*, p. 1208.

⁴ Act 20 of 1856 was repealed in the United Provinces of Agra and Oudh by U. P. Act 2 of 1914, *supra*, Vol. VI.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1857	XI	¹ The S t a t e O p i u m A c t, 1857.	Extended	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XIII	² The Opium Act, 1857.	Ditto	Ditto.
1858	III	³ The State Prisoners Act, 1858	Ditto	Ditto.
"	XXXV	⁴ The Lunacy (District Courts) Act, 1858.	Ditto	Ditto.
"	XXXVI	⁵ The Indian Lunatic Asylums Act 1858.	Ditto	Ditto.
"	XI	⁶ Minors . . .	Ditto	Ditto.
1859	IX	⁷ The Forfeiture Act, 1859.	Ditto	Ditto.
1859	XIV	⁸ Limitation of Suits (section 15).	Ditto	Ditto.
"	XV	⁹ Patents . . .	Ditto	Ditto.
1860	XXI	¹⁰ The Societies' Registration Act, 1860.	Ditto	See Notification No. 637-VII-281, dated 27th June, 1894, <i>supra</i> , p. 1192.
"	XXVII	¹¹ Collection of debts on succession.	Ditto	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XXXI	¹² Arms . . .	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.

¹ General Acts, Vol. I. These short titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

² *Supra*, Vol. I. This title was given by the Amending Act, 1903 (1 of 1903), Bengal Code, Vol. I.

³ These Acts have been repealed by Act 4 of 1912, General Acts, Vol. VII.

⁴ Act 40 of 1858 was repealed by the Guardian and Wards Act, 1890 (8 of 1890), General Acts, Vol. IV.

⁵ Act 11 of 1859, s. 15, is superseded by s. 9 of the Specific Relief Act, 1877 (1 of 1877), which has been extended to the Tarai Parganas, see Notification No. 568—VII-281-3, dated 17th July, 1886, *supra*, p. 1180.

⁶ Act 15 of 1859 was repealed by the Patents and Designs Act, 1888 (5 of 1888). Act 5 of 1888 was repealed by Act 2 of 1911, General Acts, Vol. VII.

⁷ Act 27 of 1860 was repealed by the Succession Certificates Act, 1880 (7 of 1880), General Acts, Vol. IV.

⁸ Act 31 of 1860 was repealed by the Indian Arms Act, 1878 (11 of 1878), General Acts, Vol. II.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1860	XXXIV	¹ Indemnity for acts during Mutiny.	Extended .	See Notification No. 1551, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XLV	² Penal Code .	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
1861	IX	² Minors . . .	Extended .	See Notification No. 1551, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XV	³ The State-Carriages Act, 1861.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
1862	III	³ The Government Seal Act, 1862.	Extended .	See Notification No. 637-VII-281, dated 27th June, 1891, <i>supra</i> , p. 1192.
1863	XVI	³ The Excise (Spirits) Act, 1863.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	XX	³ The Religious Endowments Act, 1863.	Extended .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XXIII	³ The Waste-land (Claims) Act, 1863.	Ditto .	Ditto.
"	XXXI	³ The Official Gazettes Act, 1863.	Ditto .	See Notification No. 637-VII-281, dated 27th June, 1891, <i>supra</i> , p. 1192.
1864	III	³ The Foreigners Act, 1861.	Ditto .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	VI	⁴ The Whipping Act, 1864.	Ditto .	Ditto.
1865	III	¹ The Carriers Act, 1865.	Ditto .	Ditto.

¹ General Acts, Vol. I.

² Act 9 of 1861 was repealed by the Guardian and Wards Act, 1890 (8 of 1890), General Acts, Vol. IV.

³ General Acts, Vol. I. These short titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

⁴ This Act has been repealed by Act 4 of 1909. General Acts, Vol. VI.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1865	VII	¹ Forest.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	X	² The Indian Succession Act, 1865.	Ditto.	Ditto.
"	XV	³ The Parsi Marriage and Divorce Act, 1865.	Extended.	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XXI	⁴ The Parsi Intestate Succession Act, 1865.	Ditto.	Ditto.
1866	V	⁵ Commercial Law.	Ditto.	See Notification No. 637-VII-281, dated 27th June, 1894, <i>supra</i> , p. 1192.
"	VI	⁶ Continuing Arms Act.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	X	⁷ Companies.	Extended.	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XIV	⁸ Post Office.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	XXI	⁹ The Native Converts' Marriage Dissolution Act, 1866.	Extended.	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XXVIII	¹⁰ The Trustees and Mortgagees Powers Act, 1866.	Ditto.	See Notification No. 637-VII-281, dated 27th June, 1894, <i>supra</i> , p. 1192.
1867	III	¹¹ The Public Gambling Act, 1867.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.

¹ Act 7 of 1865 was repealed in the United Provinces by the Indian Forest Act, 1878 (7 of 1878), General Acts, Vol. II.

² General Acts, Vol. I.

³ General Acts, Vol. I. This short title was given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

⁴ Acts 5 and 6 of 1866 were repealed respectively by the Transfer of Property Act, 1900 (2 of 1900), and the Arms Act, 1878 (11 of 1878), General Acts, Vols. V and II respectively.

⁵ Act 10 of 1866 was repealed by the Indian Companies Act, 1882 (6 of 1882). Act 6 of 1882 was repealed by Act 7 of 1913. General Acts, Vol. VII.

⁶ Act 14 of 1866 was repealed by the Indian Post Office Act, 1898 (5 of 1898), General Acts, Vol. V.

⁷ General Acts, Vol. I.

⁸ *Supra*, Vol. I. This title was given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1867	XXII	¹ The Sarais Act, 1867.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	XXV	² The Press and Registration of Books Act, 1867.	Extended	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189
"	XXXI	³ Certain Offences of Railway servants.	Ditto	Ditto
1868	XXIV	⁴ Inoculation, Kumaon and Garhwal.	Ditto	See Notification No. 1551, dated 22nd September 1876, <i>supra</i> , p. 1189, and No. 559—VII-281—4, dated 17th July, 1886.—In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), the ⁵ Lieutenant-Governor of the North-Western Provinces is pleased, with the previous sanction of the Governor General in Council, to extend Act XXIV of 1868 (<i>An Act to prohibit the practice of inoculation in Kumaon and Garhwal</i>) to the Tarai Parganas. [See Gazette of India, 1886, Pt. I, p. 452, and North-Western Provinces and Oudh Gazette, 1886, Pt. I, p. 330.]
1869	II	⁶ Justices of the Peace.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	IV	¹ Divorce	Ditto	Ditto.
"	XV	⁷ 'Prisoners' Testimony.	Ditto	Ditto.

¹ General Acts, Vol. I.

² General Acts, Vol. I. The title to Act 25 of 1867 was given by the Indian Short Titles Act, 1897 (14 of 1897) General Acts, Vol. IV.

³ B. p. Act 4 of 1870, which was also repealed by Act 9 of 1890, General Acts, Vol. IV.

⁴ *Supra*, Vol. I.

⁵ Now the Governor of the United Provinces of Agra and Oudh.

⁶ Act 2 of 1869 was repealed by Act 10 of 1882, which was also repealed by Act 5 of 1898, General Acts, Vol. V.

⁷ Act 15 of 1869 was repealed by the Prisoners Act, 1900 (3 of 1900), General Acts, Vol. V.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
<i>(2)—Acts of the Governor General in Council—contd.</i>				
1869	XVIII	¹ Stamp duties . .	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
1870	VII	² Court fees . .	Ditto . .	Ditto.
"	X	³ Land-acquisition. .	Ditto . .	Ditto.
"	XIII	⁴ Railways . .	Extended . .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XX	⁵ The Court-fees Act (1870) Amendment Act, 1870.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	XXVII	⁶ The Indian Penal Code Amendment Act, 1870.	Ditto	Ditto.
1871	I	⁷ Cattle-trespass . .	Ditto . .	Ditto.
"	V	⁸ Prisoners . .	Extended . .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	VIII	⁹ Registration . .	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	X	¹⁰ Excise . .	Ditto . .	Ditto.
"	XVIII	¹¹ Rates on land; North-Western Provinces.	Ditto	Ditto.
"	XXII	¹² The Bengal Chauthdars (Amendment) Act, 1871.	Extended . .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.

¹ Act 18 of 1869 was repealed by Act 1 of 1870. See now Act 2 of 1899, General Acts, Vol. V.

² General Acts, Vol. II.

³ Act 10 of 1870 was repealed by the Land Acquisition Act, 1894 (1 of 1894), General Acts, Vol. IV.

⁴ Act 13 of 1870 was repealed by Act 4 of 1879. See now Act 9 of 1900, General Acts, Vol. IV.

⁵ General Acts, Vol. II. This title was given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

⁶ General Acts, Vol. I. This title was given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

⁷ Act 5 of 1871, except s. 15, was repealed by the Prisoners Act, 1900 (3 of 1900), General Acts, Vol. V.

⁸ Act 8 of 1871 was repealed by the Registration Act, 1877 (3 of 1877), which was also repealed by Act 16 of 1908, General Acts, Vol. VI.

⁹ Act 10 of 1871 was repealed by Act 22 of 1881, which has also been repealed by Act 12 of 1896, General Acts, Vol. IV.

¹⁰ Act 14 of 1871 was repealed by the Agra Local Rates Act, 1878 (3 of 1878). See now U. P. Act 1 of 1914, *supra*, Vol. II.

¹¹ Act 22 of 1871 was repealed in the United Provinces of Agra and Oudh by Act 18 of 1919.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1871	XXV	¹ Railways . . .	Extended .	See Notification No. 1554, dated 22nd September 1876, <i>supra</i> , p. 1189.
"	XXVI	² Land Improve- ment.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	XXVII	³ Criminal Tribes.	Extended .	See Notification No. 1554, dated 22nd September 1876, <i>supra</i> , p. 1189.
1872	I	⁴ Evidence . . .	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	III	⁵ The Special Marriage Act, 1872.	Ditto .	Ditto.
"	IX	⁶ Contracts . . .	Ditto .	Ditto.
"	X	⁶ Criminal Pro- cedure. .	Extended .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XI	⁷ Extradition .	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
"	XV	⁸ Christian Marriage.	Ditto .	Ditto.
"	XVIII	⁹ Amending Evi- dence Act.	Ditto .	Ditto.
"	XIX	¹⁰ The Indian Penal Code Amend- ment Act, 1872.	Ditto .	Ditto.
"	XXVI	¹¹ Opium . . .	Extended .	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.

¹ Act 25 of 1871 was repealed by Act 4 of 1879, which was also repealed by Act 9 of 1890, General Acts, Vol. IV.

² Act 26 of 1871 was repealed in the United Provinces by the Land Improvement Loans Act, 1883 (10 of 1883) General Acts, Vol. III.

³ Act 27 of 1871 was repealed by Act 3 of 1911, General Acts, Vol. VII.

⁴ General Acts, Vol. II.

⁵ General Acts, Vol. II. The titles to Acts 3 and 19 of 1872 were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

⁶ Act 10 of 1872 was repealed by Act 10 of 1882. See now Act 5 of 1898, General Acts, Vol. V.

⁷ Act 11 of 1872 was repealed by Act 21 of 1879. See now Act 15 of 1903, General Acts, Vol. V.

⁸ Act 26 of 1872 was repealed by the Opium Act, 1878 (1 of 1878) General Acts, Vol. II.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)— <i>Acts of the Governor General in Council—contd.</i>				
1873	VII	¹ Chowd and Dumrao	Extended	See Notification No 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	X	² Oath	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	XV	³ Municipalities, North-Western Provinces and Oudh.	<i>Ditto</i>	<i>Ditto</i>
"	XVI	⁴ Village and Road Police, North- Western Pro- vinces.	<i>Ditto</i>	<i>Ditto</i> .
"	XIX	⁵ Land-revenue, North-Western Provinces.	Extended	No. 1555, dated 22nd September 1876. [See Gazette of India, 1876, Pt. I, p. 507, published as No. 485-A., dated 7th October, 1876, in North-Western Provinces Gazette, 1876, p. 1311.]
"	"	<i>Ditto</i> (Section 14 a sub- stituted by Act XX of 1890, s. 4).	<i>Ditto</i>	See Notification No. 2168—1-723-A., dated 3rd October, 1891, noted <i>supra</i> , p. 1179
"	"	<i>Ditto</i> (Sections 15, 22, 258, 239, 240, 242, and 243).	<i>Ditto</i>	No. 632 VII-287, dated 27th June, 1894—Gazette of India, 1895, Part I, p. 571.
"	"	<i>Ditto</i> (a) Section 13 of Chapter II. (b) Chapter III (the whole), i.e., sections 36 to 93 (inclusive).	<i>Ditto</i>	No. 634—VII-287—see Gazette of India, 1895, Part I, p. 572.

¹ *Supra*, Vol. I.

² General Acts, Vol. II.

³ Act 15 of 1873 was repealed by U. P. Act, 1 of 1900. See now U. P. Act 2 of 1916, *supra*, Vol. II.

⁴ Act 19 of 1873 has been repealed elsewhere in the Province of Agra by U. P. Act 3 of 1901, *supra*, Vol. II.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)— <i>Acts of the Governor General in Council—contd.</i>				
1873	XIX — <i>concl'd.</i>	(c) Sections 94 to 101 (inclusive), and sections 110 to 145 (inclusive) of Chapter IV. (d) Chapter V (the whole), i.e., sections 146 to 192 (inclusive). (e) Chapter VI (the whole), i.e., sections 193 to 206 (inclusive). (f) Section 257, clauses (c), (d) (e) and (f) of Chapter IX.]		
1874	II	¹ Administrator General.	Extended	See Notification No. 1554, dated 22nd September, 1876, <i>supra</i> , p. 1189.
"	III	² Married Women's Property.	Ditto	Ditto.
"	IV	² Foreign Recruiting.	Ditto	Ditto.
"	VI	³ Appeal to Judicial Committee.	Ditto	Ditto.
"	IX	² European Vagrancy.	Ditto	Ditto.
"	XI	⁴ Amending Code of Criminal Procedure.	Ditto	Ditto.
1875	VIII	⁵ Inland Customs	Ditto	Ditto.
"	IX	² Majority . . .	Ditto	Ditto.
"	XIII	⁶ The Probate and Administration Act, 1875.	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.

¹ Act 2 of 1874 was repealed by Act 3 of 1913, General Acts, Vol. VII.

² General Acts, Vol. II.

³ Act 8 of 1874 was repealed by Act 10 of 1877. See now Act 5 of 1908, (General Acts, Vol. VI.

⁴ Act 11 of 1874 was repealed by Act 10 of 1882. See now Act 5 of 1908, (General Acts, Vol. V.

⁵ Act 8 of 1875 was repealed by the Indian Salt Act, 1882 (12 of 1882), General Acts, Vol. III.

⁶ This title was given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)— <i>Acts of the Governor General in Council—contd.</i>				
1876	1	¹ <i>Telegraph.</i>	Declared in force.	See Notification No. 1553, dated 22nd September, 1876, <i>supra</i> , p. 1195.
1877	2	² <i>Specific Relief (section 9).</i>	Extended	See Notification No. 558—VII-281-3, dated 17th July, 1886, <i>supra</i> , p. 1180.
	„	<i>Ditto</i> (except s. 9).	<i>Ditto</i>	See Notification No. 644—VII-281, dated 27th June 1891, <i>supra</i> , p. 1181.
1882	XIV	³ <i>Civil Procedure (sections 223 to 228).</i>	<i>Ditto</i>	See Notification No. 108—VII-281, dated 19th February, 1889, <i>supra</i> , p. 1181.
	„	<i>Ditto</i> (with modifica- tions).	<i>Ditto</i>	See Notification No. 641—VII-281, dated 27th June 1891, <i>supra</i> , p. 1182.
1890	IX	⁴ <i>Railways.</i>	Declared in force.	No. 650—VII-281, dated 23rd July, 1890. In exercise of the powers conferred by section 3 of the Scheduled Districts Act, 1874, the Lieutenant-Governor and Chief Commissioner is pleased, with the previous sanction of the Governor General in Council, to declare that the Indian Railways Act (IX of 1890) is in force in the Tarai Parganas. (See <i>Gazette of India</i> , 1890, Pt. I, p. 596, and <i>North-Western Provinces and Oudh Gazette</i> , 1890, Pt. I, p. 391.)
1907	III	⁵ <i>Provincial Insolvency.</i>	<i>Ditto</i>	No. 804—VII-116, dated the 9th August, 1909. - In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874 (XIV of 1874), and with the previous sanction of the Governor General in Council, the Lieutenant Governor of the United Provinces of Agra and Oudh is

¹ Act I of 1876 was repealed by the Indian Telegraph Act, 1885 (13 of 1885), Genl. Acts, Vol. III.

² General Acts, Vol. II.

³ Rep. by Act 5 of 1908 which has been extended, Genl. Acts, Vol. VI.

⁴ General Acts, Vol. IV.

⁵ Act 3 of 1907 was repealed by Act 5 of 1920.

⁶ Now Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)— <i>Acts of the Governor General in Council—contd.</i>				
1907	III	¹ Provincial Insolvency.	Extended	pleased to extend the whole of the Provincial Insolvency Act, 1907 (III of 1907), to the Kumaon Division, comprising the districts of Almora, Garhwal and Nani Tal, which division corresponds to the scheduled districts described in the said Scheduled Districts Act as the province of Kumaon and Garhwal and the Tarai Parganas. (<i>See U. P. Gazette</i> , 1909, Pt. I, p. 677 and <i>Gazette of India</i> , 1909, Pt. II, p. 1315.)
1908	V	² Code of Civil Procedure.	Ditto	No. 6.—VII-316, dated the 1st January, 1909.—In exercise of the powers conferred by sections 3 and 5 A of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of the United Provinces of Agra and Oudh is pleased to extend to the Kumaon division, comprising the districts of Almora, Garhwal and Nani Tal (corresponding to the scheduled districts described in the said Act as the Province of Kumaon and Garhwal and the Tarai parganas) the Code of Civil Procedure, 1908 (excepting section 1 and sections 155 to 158 which already extend thereto); and to declare that the operation of the said Code in the said division shall be subject to the following modifications, namely :— (1) To section 15 the following words shall be added, namely :— Provided that the district court may by order in writing direct that any civil business cognizable by it and the courts under its control shall be distributed among those courts in such manner as it thinks fit : Provided also that a direction given under this section shall not empower any court to exercise

¹ Act 8 of 1907 was repealed by Act 5 of 1920.

² General Acts, Vol. VI.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

2. THE TARAI PARGANAS—concl'd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—concl'd.				
1908	V	Code of Civil Procedure		any power or deal with any business beyond the limits of its proper jurisdiction. (2) In section 102 for the word "five" the word "one" shall be substituted. (3) For rule 2 of order III of the first schedule the following shall be substituted, namely:— 2. The recognized agents of parties by whom such appearances, applications, and acts may be made or done are:— (a) permanent servants, partners, relations or friends whom the court may admit as fit persons to represent parties; and especially; (b) persons holding powers-of-attorney from absent parties, parties carrying on business on behalf of bankers and traders, managing agents of landlords, nearest male relations of women and persons ex-officio authorized to act for Government or for any Prince or Chief. (See <i>H. P. Gazette</i> , 1909, Pt. I, p. 3, and <i>Gazette of India</i> , 1909, Pt. I, p. 31.)

(3) Act of the Lieutenant-Governor of the United Provinces in Council.

1901	III	United Provinces Land Revenue.	Extended	See Notification No. 134-1--621, dated 19th January, 1918, <i>supra</i> , p. 1183.
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3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT.

The Scheduled Districts Act, 1874 (XIV of 1874), was brought into force in the scheduled portion of the Mirzapur District by the following Notification, namely:—

No. 636, dated 30th May, 1879.—In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874 (XIV of 1874), His Honour the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in the scheduled portion of the Mirzapur District. (*See Gazette of India*, 1879, Pt. I, p. 383, and North-Western Provinces and Oudh Gazette, 1879, p. 775.)

¹ General Acts, Vol. II.

² Now the Governor of the United Provinces of Agra and Oudh.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
• (1)— <i>Bengal Regulations.</i>				
1793	XXXVIII	¹ The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.	Declared in force.	No. 638, dated 30th May, 1879. - In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh is pleased, with the sanction of the Governor General in Council, to declare that so much of each enactment mentioned in the schedule hereto annexed as is in force in those parts of the North-Western Provinces which are not included in any Scheduled District is in force likewise in the scheduled portion of the Mirzapur District. ² Nothing herein contained shall be deemed to affect the operation of any enactment in force in the aforesaid scheduled portion of the Mirzapur District and not mentioned in the said schedule. <i>[N.B. --Where not otherwise stated it is only the unrepealed portions of the enactments specified that are intended to be declared in force.]</i> (Here follows the Schedule, which contains among other enactments Bengal Regulation XXXVIII of 1793) <i>[See Gazette of India, 1879, Pt. I, p. 383, and North-Western Provinces and Oudh Gazette, 1879, p. 775.]</i>
1798	I	³ <i>U n d e r c o n d i t i o n a l Sales.</i>	Ditto	See Notification No. 638, dated 30th May, 1879, above.
1799	V	⁴ The Bengal Wills and Intestacy Regulation, 1799.	Ditto	Ditto.
1804	X	⁴ The Bengal State Offences Regulation, 1804.	Ditto	Ditto.

¹ *Supra*, Vol. I. The title to Bengal Regulation 38 of 1793 was given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

² Now the Governor of the United Provinces of Agra and Oudh.

³ Ben. Reg. 1 of 1798 was repealed in the Province of Agra by the Transfer of Property Act, 1882 (4 of 1882), General Acts, Vol. III.

⁴ *Supra*, Vol. I.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(1)—Bengal Regulations—contd.				
1806	XI	¹ The Bengal Troop Transport and Travellers Assistance Regulation, 1806.	Declared in force.	See Notification No. 638, dated 30th May, 1879, <i>supra</i> , p. 1208.
"	XVII	² Interest: Redemption (sections 7 and 8).	Ditto .	Ditto.
1810	XIX	³ Native Endowments: Escheats.	Ditto .	Ditto.
"	XX	⁴ Military Bazaars.	Ditto .	Ditto.
1812	XI	¹ The Bengal Foreign Immigrants Regulation, 1812.	Ditto .	Ditto.
1818	III	¹ The Bengal State Prisoners Regulation, 1818.	Ditto .	Ditto.
1822	XI	⁵ The Bengal Government Indemnity Regulation, 1822.	Ditto .	Ditto.
1823	VI	⁶ The Bengal Indigo-contracts Regulation, 1823.	Ditto .	Ditto.
"	VII	¹ The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823.	Ditto .	Ditto.

¹ *Supra*, Vol. I. These short titles were given by the Amending Act, 1897 (5 of 1897), General Acts, Vol. IV.

² Ben. Reg. 17 of 1806 was repealed in the Province of Agra by the Transfer of Property Act, 1882 (4 of 1882), General Acts, Vol. III.

³ Ben. Reg. 19 of 1810 was repealed in the Province of Agra by Act 8 of 1884, which was also repealed by Act 12 of 1901.

⁴ Ben. Reg. 20 of 1810 was repealed by the Cantonments Act, 1889 (13 of 1889), the Cantonments Act, 1889, was repealed by Act 16 of 1910, General Acts, Vol. VII.

⁵ *Supra*, Vol. I. This short title was given by the Amending Act, 1908 (1 of 1908), s. 2, Bengal Code, Vol. I.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(1)— <i>Bengal Regulations—concl'd.</i>				
1825	VI	¹ The Bengal Troops Transport Regulation, 1825.	Declared in force.	See Notification No. 638, dated 30th May, 1879, <i>supra</i> , p. 1208.
"	XI	¹ The Bengal Al-luvion and Diluvion, Regulation, 1825.	Ditto .	Ditto.
"	XX	² Courts Martial and Military Courts of Request.	Ditto .	Ditto.
1827	III	¹ The Bengal Corruption and Extortion Regulation, 1827.	Ditto .	Ditto.
"	V	¹ The Bengal Attached Estates Management Regulation, 1827.	Ditto .	Ditto.
1829	XVII	¹ The Bengal Sati Regulation, 1829.	Ditto .	Ditto.
1830	V	³ The Bengal Indigo-contract Regulation, 1830	Ditto .	Ditto.
1831	XI	⁴ Police-powers of Tahsildars.	Ditto .	Ditto.
1833	IX	⁵ The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833.	Ditto .	Ditto.

(2)—*Acts of the Governor General in Council.*

1836	X	⁶ The Bengal Indigo Contracts Act, 1836.	Declared in force.	See Notification No. 638, dated 30th May, 1879, <i>supra</i> , p. 1208.
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¹ *Supra*, Vol. I. These short titles were given by the Amending Act, 1897 (5 of 1897), General Acts, Vol. IV.

² Ben. Reg. 20 of 1825 was repealed by Act 10 of 1882. See now Act 5 of 1898, General Acts, Vol. V.

³ *Supra*, Vol. I. This short title was given to this Regulation by the Amending Act, 1903 (1 of 1903) Bengal Code, Vol. I.

⁴ *Supra*, Vol. I.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2) -- <i>Acts of the Governor General in Council—contd.</i>				
1836	XXI	¹ The Bengal Districts Act, 1836.	Declared in force.	See Notification No. 638, dated 30th May, 1879, <i>supra</i> , p. 1208.
"	XXVI	² Camp Police	Ditto	Ditto.
1837	IV	³ Property in Land Act, 1837.	Ditto	Ditto.
1838	XXV	⁴ Wills made between 1st February, 1839, and 1st January, 1866.	Ditto	Ditto.
1839	XXIX	⁵ Dower	Ditto	Ditto.
"	XXX	⁶ Inheritance	Ditto	Ditto
"	XXXII	⁷ Interest	Ditto	Ditto.
1840	VI	⁸ Bills of Exchange.	Ditto	Ditto.
1841	XI	⁹ Military Courts of Request.	Ditto	Ditto
"	XIX	¹⁰ The Succession (Property Protection) Act, 1841.	Ditto	Ditto.
1842	IX	¹¹ Extending 4 and 5 Vict., c. 21 (Lease and Release).	Ditto	Ditto.
"	XII	¹² Military Buzars.	Ditto	Ditto.

¹ Act 21 of 1836 was repealed by the Amending Act, 1803 (1 of 1803), Bengal Code, Vol. I.

² Act 26 of 1836 was repealed by the Amending Act, 1801 (12 of 1801), General Acts, Vol. IV.

³ General Acts, Vol. I.

⁴ Act 6 of 1840 was repealed by the Negotiable Instruments Act, 1881 (26 of 1881), General Acts, Vol. III.

⁵ Act 11 of 1841 was repealed by Act 6 of 1887, and Act 9 of 1842 by the Amending Act, 1801 (12 of 1801), General Acts, Vol. IV.

⁶ General Acts, Vol. I. This short title was given by the Short Titles Act, 1807 (14 of 1807), General Acts, Vol. IV.

⁷ Act 12 of 1842 was repealed by Act 6 of 1887. The latter was repealed by Act 12 of 1891, General Acts, Vol. IV.

Enactments declared in force, or extended by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT *contd.*

Year.	No.	Subject	Whether declared in force or extended.	Notification.
(2) <i>Acts of the Governor General in Council</i> <i>contd.</i>				
1843	V	¹ Slavery . . .	Declared in force.	See Notification No. 638, dated 30th May, 1879, <i>supra</i> , p. 1208.
1847	XX	² Copyright . . .	<i>Ditto</i> .	<i>Ditto</i> .
1850	XII	⁴ Public Accountants	<i>Ditto</i> .	<i>Ditto</i> .
	XVIII	⁵ The Judicial Officer's Protection Act, 1850.	<i>Ditto</i> .	<i>Ditto</i> .
	XIX	³ The Apprentices Act, 1850.	<i>Ditto</i> .	<i>Ditto</i> .
	XXI	⁶ The Caste Disabilities Removal Act, 1850.	<i>Ditto</i> .	<i>Ditto</i> .
	XXXIV	⁷ State Prisoners .	<i>Ditto</i> .	<i>Ditto</i> .
	XXXVII	⁸ The Public Servants (Inquiries) Act, 1850.	<i>Ditto</i> .	<i>Ditto</i> .
1852	XXX	⁹ The Indian Naturalization Act, 1802.	<i>Ditto</i> .	<i>Ditto</i> .
"	XXXIII	⁵ Enforcement of judgments (so much as relates to Military Courts of Request).	<i>Ditto</i> .	<i>Ditto</i> .
1853	II	¹⁰ The Landholders' Public Charges and Duties Act, 1853.	<i>Ditto</i> .	<i>Ditto</i> .
"	XIX	¹¹ Reconqueror Wilt-nesser.	<i>Ditto</i> .	<i>Ditto</i> .

¹ General Acts, Vol. I.

² Act 20 of 1847 was repealed by Act 3 of 1914, General Acts, Vol. VIII.

³ General Acts, Vol. I. These short titles were given by the Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

⁴ General Acts, Vol. I. This short title was given by the Public Servants (Inquiries) Act, 1850, Amendment Act, 1897 (1 of 1897), General Acts, Vol. IV.

⁵ Act 33 of 1852 was repealed by Act 8 of 1887. The latter was repealed by Act 12 of 1891, General Acts, Vol. IV.

⁶ Act 19 of 1853 was repealed by the Amending Act, 1908 (1 of 1908), Bengal Code, Vol. I.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)--- <i>Acts of the Governor General in Council—contd.</i>				
1851	XVI	¹ Police . . .	Declared in force.	See Notification No. 638, dated 30th May, 1879, <i>supra</i> , p. 1208.
"	XXVI	² Conveyance and Land Act, 1851	Ditto .	Ditto.
1855	XI	³ Mesne Profits and Improvements Act, 1855.	Ditto .	Ditto.
	XII	⁴ The Legal Representatives' Suits Act, 1855.	Ditto .	Ditto.
	XIII	⁵ The Indian Fatal Accidents Act, 1855.	Ditto .	Ditto.
	XXIII	⁶ The Mortgaged Estates' Administration Act, 1855.	Ditto .	Ditto.
"	XXIV	⁷ Penal Servitude Act, 1855.	Ditto .	Ditto.
"	XXVIII	⁸ Taury Laws Repeal Act, 1855.	Ditto .	Ditto.
1856	XI	⁹ The European Deserters Act, 1856.	Ditto .	Ditto.
	XII	¹⁰ Civil Court Amine.	Ditto	Ditto.
	XV	¹¹ The Hindu Widows' Remarriage Act, 1856.	Ditto .	Ditto.
"	XX	¹² The Bengal Chaudhari Act, 1856.	Ditto .	Ditto.
1857	XI	¹³ State Offences .	Ditto .	Ditto.
"	XIII	¹⁴ The Opium Act, 1857.	Ditto .	Ditto.

¹ *Supra*, Vol. I.

² General Acts, Vol. I. These short titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

³ Act 20 of 1856 was repealed in the United Provinces of Agra and Oudh by U. P. Act 2 of 1914, *Supra*, Vol. II.

⁴ *Supra*, Vol. I. This short title was given by the Amending Act, 1903 (1 of 1903), s. 2, Bengal Code, Vol. I

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2) <i>Acts of the Governor General in Council -contd.</i>				
1857	XXV	¹ The Forfeiture Act, 1857.	Declared in force.	See Notification No. 638, dated 30th May 1879, <i>supra</i> , p. 1208.
1858	III	¹ The State Prisoners Act, 1858.	Ditto .	Ditto.
"	XXXV	² The Lunacy (District Courts) Act, 1858.	Ditto .	Ditto
"	XXXVI	² The Indian Lunatic Asylums Act, 1858.	Ditto .	Ditto
"	XL	³ Minors . .	Ditto .	Ditto.
1859	III	⁴ Unattended Joint Magistrates.	Ditto .	Ditto.
"	IX	¹ The Forfeiture Act, 1859.	Ditto .	Ditto.
"	XIV	⁵ Limitation of Suits.	Ditto .	Ditto.
"	XV	⁶ Patents . .	Ditto .	Ditto.
1860	XXI	¹ The Societies Registration Act, 1860.	Ditto .	Ditto.
"	XXVII	⁷ Collection of Debts on Succession.	Ditto .	Ditto
"	XXXIV	¹ The Government Officers Indemnity Act, 1860.	Ditto .	Ditto
1861	IX	⁸ Minors . .	Ditto .	Ditto.

¹ General Acts, Vol. I. These short titles were given to these Acts by the Indian Short Titles Act, 1897 (11 of 1897), General Acts, Vol. IV.

² These Acts have been repealed by Act 4 of 1912, General Acts, Vol. VII.

³ Act 40 of 1858 was repealed by the Guardian and Wards Act, 1890 (8 of 1890), General Acts, Vol. IV.

⁴ Act 3 of 1859 was repealed by Act 8 of 1887, the latter was repealed by Act 12 of 1891, General Acts, Vol. IV.

⁵ Act 14 of 1859 was repealed by the Limitation Act, 1871 (9 of 1871), and the Specific Relief Act, 1877 (1 of 1877). The Limitation Act, 1908 (9 of 1908), is now in force, (General Acts, Vol. VI. As to the extension of s. 9 of Act 1 of 1877 to the scheduled portion of the Mirzapur District, see Notification No. 558- VII-281-3, dated 17th July, 1886, *supra*, p. 1180.

⁶ Act 15 of 1859 was repealed by the Inventions and Designs Act, 1888 (5 of 1888), the Act of 1888 has also been repealed; the Act now in force is Act 2 of 1911, General Acts, Vol. VII.

⁷ Act 27 of 1860 was repealed by the Succession Certificates Act, 1889 (VII of 1889), General Acts, Vol. IV.

⁸ Act 9 of 1861 was repealed by the Guardian and Wards Act, 1890 (8 of 1890), General Acts, Vol. IV.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2) <i>Acts of the Governor General in Council—contd.</i>				
1862	III	¹ The Government Seal Act, 1862	Declared in force.	See Notification No. 638, dated 30th May 1879, <i>supra</i> , p. 1208.
1863	XVI	¹ The Exercise (Spirits) Act, 1863.	Ditto	Ditto.
"	XX	¹ The Religious Endowments Act, 1863.	Ditto	Ditto
"	XXIII	¹ The Waste Lands (Claims) Act, 1863.	Ditto	Ditto.
"	XXXI	¹ The Official Gazettees Act, 1863.	Ditto	Ditto.
1864	III	¹ The Foreigners Act, 1864.	Ditto	Ditto.
"	VI	² The Whipping Act, 1864.	Ditto	Ditto.
1865	III	³ The Carriers Act, 1865.	Ditto	Ditto.
"	XI	⁴ Mafussat Small Cause Courts.	Ditto	Ditto.
"	XV	⁵ The Parsi Marriage and Divorce Act, 1865.	Ditto	Ditto.
"	XXI	⁶ The Parsi Intestate Succession Act, 1865.	Ditto	Ditto.
1866	V	⁷ Bills of Exchange; Commercial Law.	Ditto	Ditto.
"	X	⁸ Companies	Ditto	Ditto.

¹ General Acts, Vol. I. These short titles were given to these Acts by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

² Act 6 of 1864 was repealed by Act 4 of 1900, General Acts, Vol. VI.

³ Act 11 of 1865 was repealed by the Provincial Small Cause Courts Act, 1887 (9 of 1887), General Acts, Vol. IV. For Acts 8 and 15 of 1865, see General Acts, Vol. I.

⁴ Act 5 of 1866 was repealed by the Transfer of Property Act, 1900 (2 of 1900), General Acts, Vol. V.

⁵ Act 10 of 1866 was repealed by the Indian Companies Act, 1882 (6 of 1882), the Companies Act now in force is Act 7 of 1913, General Acts, Vol. VII.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
1866	XXI	¹ The Native Converts' Marriages Dissolution Act, 1866.	Declared in force.	See Notification No. 638, dated 30th May, 1870, <i>supra</i> , p. 1208.
"	XXVIII	¹ The Trustees' and Mortgagees' Powers Act, 1866.	Ditto	Ditto.
1867	X	² References by Mufassal Small Cause Courts	Ditto	Ditto.
"	XXV	¹ The Press and Registration of Books Act, 1867.	Ditto	Ditto.
1869	XV	² Prisoners' Testimony.	Ditto	Ditto.
1870	XXIII	³ The Indian Coinage Act, 1870.	Ditto	Ditto.
1871	XXII	⁴ The Bengal Chaudhari (Amendment) Act, 1871.	Ditto	Ditto.
1877	I	⁵ Specific Relief (section 9).	Extended	See Notification No. 558 -VII-281, dated 17th July, 1886, <i>supra</i> , p. 1180.
"	X	⁶ Civil Procedure (except sections 1 and 3).	Ditto	No. 637, dated 30th May, 1870. [See Gazette of India, 1870, Pt. I, p. 383, and North-Western Provinces and Oudh Gazette, 1870, p. 775.]

¹ General Acts, Vol. I. The short title to Act 25 of 1867 was given by the Amending Act, 1867 (14 of 1867), s. 4, General Acts, Vol. IV.

² Act 10 of 1867 was repealed by Act 10 of 1877, *see now* Act 5 of 1908, General Acts, Vol. VI, Act 10 of 1867 was repealed by the Prisoners Act, 1900 (3 of 1900), General Acts, Vol. V.

³ Act 23 of 1870 was repealed by the Indian Coinage Act, 1906 (3 of 1906), General Acts, Vol. VI.

⁴ Act 22 of 1871 was repealed in the United Provinces of Agra and Oudh by Act 18 of 1919.

⁵ General Acts, Vol. II.

⁶ Act 10 of 1877 was repealed by Act 11 of 1882 which was extended Act 14 of 1882 was repealed by Act 6 of 1908, Genl. Acts, Vol. VI.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
1879	XII	¹ Amending Code of Civil Procedure, etc. (except so much as amends the Indian Registration and Limitation Acts, 1877).	Extended	No. 1269, dated the 3rd December, 1880.—[See Gazette of India, 1880, Pt. I, p. 677, and North-Western Provinces and Oudh Gazette, 1880, Pt. I, p. 178.]
1882	XIV	² Civil Procedure (except sections 1 and 3).	Ditto	No. 759, dated the 1st June, 1882.— In exercise of the power conferred by section 5 of Act XIV of 1874 (the Scheduled Districts Act, 1874), His Honour the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh is pleased, with the previous sanction of the Governor General in Council, to extend Act XIV of 1882 (the Code of Civil Procedure, 1882) to— ³ The Jhansi Division, comprising the Districts of Jhansi, Jalaun and Lalitpur (except sections 1 and 3, which are already in force in the said Districts, and sections 15, 19, 23, 24, 25 and 652), and to Pargana Juansar Bawar, in the Dehra Dun District, and the scheduled portion of the Mirzapur District (excepting sections 1 and 3, which are already in force in the said Districts). [See Gazette of India, 1882, Pt. 1, p. 217, and North-Western Provinces and Oudh Gazette, 1882, Pt. I, p. 289.]
1888	VII	⁴ Amending Code of Civil Procedure.	Ditto	No. 808 - VII-281,* dated 18th October, 1888.—In exercise of the power conferred by section 5 of

¹ So much of Act 12 of 1870 as was extended to the Scheduled portion of the Mirzapur District was repealed by Act 14 of 1882, see notification which immediately follows. The Act of 1882 was replaced by Act 5 of 1908, General Acts, Vol. VI.

² Rep. by Act 5 of 1908, Genl. Acts, Vol. VI.

³ Now the Governor of the United Provinces of Agra and Oudh.

⁴ The Jhansi Division has ceased to be a Scheduled District, see the United Provinces Act, 1890 (20 of 1890), s. 8 (1), *supra*, Vol. I.

* Rep. by Acts 5, 9 & 16 of 1908, General Acts, Vol. VI.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—*contd.*

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)— <i>Acts of the Governor General in Council—contd.</i>				
1888— <i>contd.</i>	VII	Procedure, etc., (except so much as amends the Indian Registration and Limitation Acts, 1874).	Extended	the Scheduled Districts Act, 1874, His Honour the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh is pleased, with the previous sanction of the Governor General in Council, to extend to Pargana Jainsar Bawar in the Dehra Dun District and to the scheduled portion of the Mirzapur District the Civil Procedure Code Amendment Act, VII of 1888, except so much thereof as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force. [See Gazette of India, 1888, Pt. I, p. 495, and North-Western Provinces and Oudh Gazette, 1888, Pt. I, p. 517.]
	X	¹ Amending Code of Civil Procedure, etc. (sections 1 and 3).	Ditto	No. 267-VII-281, dated 8th May, 1889. -In exercise of the power conferred by section 3 of the Scheduled Districts Act, XIV of 1874, the Lieutenant-Governor of the North-Western Provinces and the Chief Commissioner of Oudh is pleased, with the previous sanction of the Governor General in Council, to extend sections 1 and 3 of Act X of 1888 (to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882) to the following Scheduled Districts in the North-Western Provinces: (1) Pargana Jainsar Bawar in the Dehra Dun District; (2) the scheduled portion of the Mirzapur District; and ² (3) the Jhansi Division, comprising the Districts of Jhansi, Jalaua and Lalitpur. [See Gazette of India, 1889, Pt. I, p. 362, and North-Western Provinces and Oudh Gazette, 1889, Pt. I, p. 210.]

¹ Rep. by Act 5 of 1908, General Acts, Vol. VI.

² Now the Governor of the United Provinces of Agra and Oudh.

³ The Jhansi Division has ceased to be a Scheduled District, see the United Provinces Act, 1890 (20 of 1890), s. 3 (1), *supra*, Vol. I.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

3. THE SCHEDULED PORTION OF THE MIRZAPUR DISTRICT—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)— <i>Acts of the Governor General in Council—contd.</i>				
1905	V	Code of Civil Procedure.	Extended	<i>No. 8-VI—346, dated the 1st January 1909.</i> —In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor-General in Council, the Lieutenant-Governor of the United Provinces of Agra and Oudh is pleased to extend the Civil procedure Code, 1908 (excepting section 1 and sections 155 to 158 which already extend thereto); to the following Scheduled Districts in the United Provinces of Agra and Oudh:— (1) Pargana Jaunsar Bawar in the Dehra-Dun District. (2) The scheduled portion of the Mirzapur District. [See <i>U. P. Gazette</i> , 1909, Pt. I, p. 4 and <i>Gazette of India</i> , 1909, Pt. I, p. 32.]

¹ General Acts, Vol. VI.

4. JAUNSAR BAWAR.

[The Scheduled Districts Act, 1874 (XIV of 1874),¹ was brought into force in pargana Jaunsar Bawar in the Dehra Dun District by the following Notification, namely:—

No. 632, dated 30th May, 1879.—In exercise of the power conferred by section 3 of the Scheduled¹ Districts Act, 1874 (XIV of 1874), His Honour the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh is pleased, with the previous sanction of the Governor General in Council, to declare that the said Act is in force in Pargana Jaunsar Bawar in the Dehra Dun District. (See *Gazette of India*, 1879, Pt. I, p. 381, and North-Western Provinces and Oudh *Gazette*, 1879, Pt. I, p. 774.)]

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(1)— <i>Bengal Regulations.</i>				
1793	XXXVIII	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.	Declared in force.	<i>No. 634, dated 30th May, 1879.</i> —In exercise of the power conferred by section 3 of the Scheduled Districts Act, 1874, the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh is pleased, with the sanction of the Governor

¹ General Acts, Vol. II.

² Now the Governor of the United Provinces of Agra and Oudh.

³ *Supra*. This short title was given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

4. JAUNSAW BAWAR—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(1)—Bengal Regulations—contd.				
1793	XXXVIII —contd.	The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1793.	Declared in force.	General in Council, to declare that so much of each enactment mentioned in the Schedule hereto annexed as is in force in those parts of the North-Western Provinces which are not included in any Scheduled District, is in force likewise in Pargana Jaunsar Bawar in the Dehra Dun District. 2. Nothing herein contained shall be deemed to affect the operation of any enactment in force in the aforesaid pargana, and not mentioned in the said Schedule. (N.B.—Where not otherwise stated, it is only the unrepealed portions of the enactments specified that are intended to be declared in force.) (Here follows the Schedule, which contains, among other enactments, Bengal Regulation XXXVIII of 1793.) [See Gazette of India, 1870, Pt. I, p. 382, and North-Western Provinces and Oudh Gazette, 1870, p. 774.]
1798	I	¹ Conditional sales.	Ditto	See Notification No. 631, dated 30th May, 1870, <i>supra</i> , p. 1220
1799	V	² The Bengal Wills and Intestacy Regulation, 1799.	Ditto	Ditto.
1804	X	² The Bengal State Offences Regulation, 1804.	Ditto	Ditto.
1806	XI	² The Bengal Troops Transport and Travellers Assistance Regulation, 1806.	Ditto	Ditto.

¹ Ben. Reg. I of 1798 was repealed in the Province of Agra by the Transfer of Property Act, 1882 (4 of 1882), General Acts, Vol. III.

² *Supra*, Vol. I. These short titles were given by the Amending Act, 1807 (5 of 1807), s. 4, General Acts, Vol. IV.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

4. JAUNSAW BAWAR—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(I) --Bengal Regulations—contd.				
1806	XVII	¹ Interest, Redemption (sections 7 and 8).	Declared in force.	See Notification No. 634, dated 30th May, 1879, <i>supra</i> , p. 1220.
1810	XIX	² Native Endowments : Escheats.	Ditto .	Ditto.
"	XX	³ Military Buzars .	Ditto .	Ditto.
1812	XI	⁴ The Bengal Foreign Immigrants Regulation, 1812.	Ditto .	Ditto.
1818	III	⁴ The Bengal State Prisoners Regulation, 1818.	Ditto .	Ditto.
1822	XI	⁵ The Bengal Government Indemnity Regulation, 1822.	Ditto .	Ditto.
1823	VI	⁵ The Bengal Indigo-contracts Regulation, 1823.	Ditto .	Ditto.
"	VII	⁶ The Indian Civil Service (Bengal) Loans Prohibition Regulation, 1823.	Ditto .	Ditto.
1825	VI	⁶ The Bengal Troops Transport Regulation, 1825.	Ditto .	Ditto.

¹ Ben. Reg. 17 of 1806 was repealed in the Province of Agra by the Transfer of Property Act, 1882 (4 of 1882), General Acts, Vol. III.

² Ben. Reg. 19 of 1810 was repealed in the Province of Agra by Act 8 of 1884 General Acts, Vol. III.

³ Ben. Reg. 20 of 1810 was repealed by the Cantonments Act, 1880 (13 of 1880). The Cantonments Act, 1910 (16 of 1910) is now in force, General Acts, Vol. V.

⁴ *Supra*, Vol. I. These short titles were given by the Amending Act, 1897 (5 of 1897), General Acts, Vol. VII.

⁵ *Supra*, Vol. I. These short titles were given by the Amending Act, 1903 (1 of 1903), Bengal Code, Vol. I.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

4. JAUNSAW BAWAR—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
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(1)—Bengal Regulations—concl.

1825	XI	¹ The Bengal Alluvion and Diluvion Regulation, 1825.	Declared in force.	See Notification No. 631, dated 30th May, 1879, <i>supra</i> , p. 1220.
„	XX	² <i>Courts Martial and Military Courts of Request.</i>	Ditto .	Ditto.
1827	III	¹ The Bengal Corruption and Extortion Regulation, 1827.	Ditto .	Ditto.
„	V	¹ The Bengal Attached Estates Management Regulation 1827.	Ditto .	Ditto.
1829	XVII	¹ The Bengal Sati Regulation, 1829.	Ditto .	Ditto.
1830	V	² The Bengal Indigo-contrats Regulation, 1830.	Ditto .	Ditto.
1831	XI	² Police-Powers of Tahsildars.	Ditto .	Ditto.
1833	IX	² The Bengal Land Revenue (Settlement and Deputy Collectors) Regulation, 1833.	Ditto .	Ditto.

(2)—Acts of the Governor General in Council.

1836	X	² The Bengal Indigo-contrats Act, 1836.	Declared in force.	See Notification No. 634, dated 30th May, 1879, <i>supra</i> , p. 1220.
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¹ *Supra*, Vol. I. The short titles were given by the Amending Act, 1897 (5 of 1897), s. 4, General Acts, Vol. IV.

² Ben. Reg. 20 of 1825 was repealed by Act 10 of 1882. See now Act 5 of 1898, (General Acts, Vol. V.

³ *Supra* Vol. I. The short titles were given by the Amending Act 1903 (1 of 1903), Bengal Code, Vol. I.

⁴ *Supra*, Vol. I.

Enactments declared in force, or amended, by notification under the Scheduled Districts Act, 1874—contd.

4. JAUNSAW BAWAN—contd.

Year.	No.	Subject.	Whether Declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1836	XXI	¹ The Bengal Deeds Act, 1836.	Declared in force.	See Notification No. 631, dated 30th May, 1879, <i>supra</i> , p. 1220.
"	XXVI	¹ Camp Police .	Ditto .	Ditto.
1837	IV	² The Property in Land Act, 1837.	Ditto .	Ditto.
1838	XXV	² The Wills Act, 1838.	Ditto .	Ditto.
1839	XXIX	² The Dower Act, 1839.	Ditto .	Ditto.
"	XXX	² The Inheritance Act, 1839.	Ditto .	Ditto.
1839	XXXII	² The Interest Act, 1839	Ditto .	Ditto.
1840	VI	³ Bills of Exchange.	Ditto .	Ditto.
1841	XI	⁴ Military Courts of Request.	Ditto .	Ditto.
"	XIX	² The Succession (Property Protection) Act, 1841.	Ditto .	Ditto.
1842	IX	⁵ Extending 4 and 5 Vict., c. 21 (Lease and Release).	Ditto .	Ditto.
"	XII	⁴ Military Buzurs.	Ditto .	Ditto.
1843	V	² The Indian Slavery Act, 1843	Ditto .	Ditto.
1847	XX	² The Indian Copy-right Act, 1847.	Ditto .	Ditto.
1850	XII	² The Public Accountants' Defaults Act, 1850.	Ditto .	Ditto.

¹ Acts 21 of 1836 and 26 of 1836 were repealed by the Acts 1 of 1903 and 12 of 1901 respectively.

² General Acts, Vol. I. These titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

³ Act 6 of 1840 was repealed by the Negotiable Instruments Act, 1881 (26 of 1881), General Acts, Vol. III.

⁴ Acts 11 of 1841 and 12 of 1842 were repealed by Act 3 of 1887, General Acts, Vol. IV.

⁵ Act 9 of 1842 was repealed by the Amending Act, 1801 (12 of 1801), General Acts, Vol. IV.

⁶ Repealed by Act 3 of 1914, General Acts Vol. VIII.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

4. JAUNSAIR BAWAR—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2) <i>Acts of the Governor General in Council—contd.</i>				
1850	XVIII	¹ The Judicial Officers' Protection Act, 1850.	Declared in force.	See Notification No. 631, dated 30th May, 1879, <i>supra</i> , p. 1220.
"	XIX	¹ The Apprentices Act, 1850.	Ditto .	Ditto.
"	XXI	¹ The Custe Disabilities Removal Act, 1850.	Ditto .	Ditto.
"	XXXIV	The State Prisoners Act, 1850.	Ditto .	Ditto.
"	XXXVII	² The Public Servants (Inquiries) Act, 1850.	Ditto .	Ditto
1852	XXX	¹ The Indian Naturalization Act, 1852.	Ditto .	Ditto.
"	XXXIII	³ Enforcement of Judgments (as far as relates to Military Courts of Request).	Ditto .	Ditto.
1853	II	¹ The Landholders' Public Charges and Duties Act, 1853.	Ditto .	Ditto.
"	XIX	⁴ Recusant Witnesses.	Ditto .	Ditto.
1854	XVI	⁴ Police	Ditto .	Ditto.
"	XXXI	¹ The Conveyance of Land Act, 1854.	Ditto .	Ditto.

¹ General Acts, Vol. I. These short titles were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

² General Acts, Vol. I. This short title was given by the Public Servants (Inquiries) Act, 1850, Amendment Act, 1897 (1 of 1897), General Acts, Vol. IV.

³ Act 38 of 1852 was repealed by Act 8 of 1887; and Act 10 of 1853 by the Amending Act, 1903 (1 of 1903), Ben. Code, Vol. I.

⁴ *Supra*, Vol. I.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

4. JAUNSAW BAWAR—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
1855	XI	¹ The Mesne Profits and Improvements Act, 1855.	Declared in force.	See Notification No. 631, dated 30th May, 1879, <i>supra</i> , p. 1220.
"	XII	¹ The Legal Representatives' Suits Act, 1855.	Ditto	Ditto.
"	XIII	¹ The Indian Fatal Accidents Act, 1855.	Ditto	Ditto.
"	XXIII	¹ The Mortgaged Estates' Administration Act, 1855.	Ditto	Ditto.
"	XXIV	¹ The Penal Servitude Act, 1855.	Ditto	Ditto.
"	XXVIII	¹ The Usury Laws Repeal Act, 1855.	Ditto	Ditto.
1856	XI	¹ The European Deserters Act, 1856.	Ditto	Ditto.
"	XII	¹ The Civil Court Amins Act, 1856.	Ditto	Ditto.
"	XV	¹ The Hindu Widows Remarriage Act, 1856.	Ditto	Ditto.
"	XX	¹ The Bengal Chaukidari Act, 1856.	Ditto	Ditto.
1857	XI	¹ The State Offences Act, 1857.	Ditto	Ditto.

¹ General Acts, Vol. I. These short titles were given by the Indian Short Titles Act, 1897 (14 of 1897) General Acts, Vol. IV.

² *Supra*, Vol. I.

³ Act 20 of 1856 was repealed in the United Provinces of Agra and Oudh by U. P. Act. 2 of 1914, *Supra*, Vol. II.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

4. JAUNSAIR BAWAR contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—contd.				
1857	XXV	¹ The Forfeiture Act, 1857.	Declared in force	See Notification No. 631, dated 30th May, 1897, <i>supra</i> , p. 1220.
1858	III	¹ The State Prisoners Act, 1858.	Ditto . .	Ditto.
"	XXXV	² The Lunacy (District Courts) Act, 1858.	Ditto . .	Ditto.
"	XXXVI	² The Indian Lunatic Asylums Act, 1858.	Ditto . .	Ditto.
"	XL	³ Minors . .	Ditto . .	Ditto.
1859	III	⁴ Appointment Joint Magistrates.	Ditto . .	Ditto.
"	IX	¹ The Forfeiture Act, 1859.	Ditto . .	Ditto.
"	XIV	⁵ Limitation of Suits.	Ditto . .	Ditto.
"	XV	⁶ Patents . .	Ditto . .	Ditto.
1860	XXI	¹ The Societies Registration Act, 1860.	Ditto . .	Ditto.
"	XXXVII	⁷ Collection of Debts on Succession.	Ditto . .	Ditto.
"	XXXIV	¹ The Government Officers' Indemnity Act, 1860.	Ditto . .	Ditto.
1861	IX	⁸ Minors . .	Ditto . .	Ditto.

¹ General Acts, Vol. J. These short titles were given to these Acts by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

² These Acts have been repealed by the Lunacy Act, 1912 (4 of 1912), General Acts, Vol. VII.

³ Act 40 of 1858 was repealed by the Guardian and Wards Act, 1890 (8 of 1890), General Acts, Vol. IV.

⁴ Act 3 of 1859 was repealed by Act 8 of 1887, General Acts, Vol. IV.

⁵ Act 14 of 1859 was repealed by the Limitation Act, 1871 (9 of 1871), the Limitation Act of 1908 is now in force.

⁶ Act 15 of 1859 was repealed by the Inventions and Designs Act, 1888 (5 of 1888), Act 5 of 1888 was repealed by Act 2 of 1911, General Acts, Vol. VII.

⁷ Act 27 of 1860 was repealed by the Succession Certificate Act, 1880 (7 of 1880), General Acts, Vol. IV.

⁸ Act 9 of 1861 was repealed by the Guardian and Wards Act, 1890 (8 of 1890), General Acts, Vol. IV.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

4. JAUNSAW BAWAR—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
1862	III	¹ The Government Seal Act, 1862.	Declared in force.	See Notification No. 634, dated 30th May, 1879, <i>supra</i> , p. 1220.
1863	XVI	¹ The Excise (Spirits) Act, 1863.	Ditto .	Ditto.
"	XX	¹ The Religious Endowments Act, 1863.	Ditto .	Ditto.
"	XXIII	¹ The Waste-lands (Claims) Act, 1863.	Ditto .	Ditto.
"	XXXI	¹ The Official Gazettes Act, 1863.	Ditto .	Ditto.
1864	III	¹ The Foreigners Act, 1864.	Ditto .	Ditto.
"	VI	² The Whipping Act, 1864.	Ditto .	Ditto.
1865	III	² The Carriers Act, 1865.	Ditto .	Ditto.
"	XI	⁴ Mufassal Small Cause Courts.	Ditto .	Ditto.
"	XV	² The Parsi Marriage and Divorce Act, 1865.	Ditto .	Ditto.
"	XXI	¹ The Parsi Intestate Succession Act, 1865.	Ditto .	Ditto.
1866	V	⁵ Bills of Exchange; Commercial Law.	Ditto .	Ditto.
"	X	⁶ Companies .	Ditto .	Ditto.

¹ General Acts Vol. I. The short titles to these Acts were given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

² Act 6 of 1864 was repealed by Act 4 of 1909, General Acts, Vol. VI.

³ General Acts, Vol. I.

⁴ Act 11 of 1865 was repealed by the Provincial Small Cause Courts Act, 1887, (9 of 1887), General Acts, Vol. IV.

⁵ Act 5 of 1866 was repealed by the Transfer of Property Act, 1900 (2 of 1900), General Acts, Vol. V.

⁶ Act 10 of 1866 was repealed by the Indian Companies Act, 1882 (6 of 1882), the Companies Act of 1913 is now in force, General Acts, Vol. VII.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—contd.

4. JAUNSAW BAWAR—contd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
1866	XXI	¹ The Native Converts Marriage Dissolution Act, 1866.	Declared in force.	See Notification No. 634, dated 30th May 1879, <i>supra</i> , p. 1220.
„	XXVIII	¹ The Trustees and Mortgagees' Powers Act, 1866.	Ditto	Ditto.
1867	X	² References by Mufassal Small Cause Courts.	Ditto	Ditto
„	XXV	³ The Press and Registration of Books Act, 1867.	Ditto	Ditto.
1869	XV	⁴ Prisoners' Testimony.	Ditto	Ditto.
1870	XXIII	⁵ The Indian Coinage Act, 1870.	Ditto	Ditto.
1871	XXII	⁶ The Bengal Chaukidari (Amendment) Act, 1871.	Ditto	Ditto.
1877	I	⁷ Specific Relief (section 9).	Extended	See Notification No. 558—VII-281-3, dated 17th July, 1886, <i>supra</i> , p. 1180.
„	X	⁸ Civil Procedure (except sections 1 and 3).	Ditto	No. 633, dated the 30th May, 1879. [See Gazette of India, 1879, Pt. I p. 381, and North-Western Provinces and Oudh Gazette, 1879 Pt. I, p. 774.]

¹ General Acts, Vol. I.

² Act 10 of 1867 was repealed by Act 10 of 1877. See now Act 5 of 1908, General Acts, Vol. VI.

³ General Acts, Vol. I. This short title was given by the Indian Short Titles Act, 1897 (14 of 1897), General Acts, Vol. IV.

⁴ Act 15 of 1869 (except s. 15) was repealed by the Prisoners Act, 1900 (3 of 1900), General Acts, Vol. V.

⁵ Act 23 of 1870 was repealed by the Indian Coinage Act, 1906 (3 of 1906), General Acts, Vol. VI.

⁶ Act 22 of 1871 was repealed in the United Provinces of Agra and Oudh by Act 18 of 1910.

⁷ General Acts, Vol. II.

⁸ Act 10 of 1877 was repealed by Act 14 of 1882. Act 14 of 1882 was repealed by Act 5 of 1908, General Acts, Vol. VI.

Enactments declared in force, or extended, by notification under the Scheduled Districts Act, 1874—concl'd.

4. JAUNSAW BAWAR—concl'd.

Year.	No.	Subject.	Whether declared in force or extended.	Notification.
(2)—Acts of the Governor General in Council—concl'd.				
1879	XII	¹ Amending Code of Civil Procedure, etc. (except so much as amends the Indian Registration and Limitation Acts, 1877).	Extended	See Notification No. 1269, dated 3rd December, 1880, noted <i>supra</i> , p. 1217.
1882	XIV	² Code of Civil Procedure, etc. (except sections 1 and 3).	Ditto	See Notification No. 759, dated 1st June, 1882, <i>supra</i> , p. 1217.
1888	VII	² Amending Code of Civil Procedure, etc. (except so much as amends the Indian Registration and Limitation Acts, 1877).	Ditto	See Notification No. 808—VII-281, dated 18th October, 1888, <i>supra</i> , p. 1217.
	X	² Amending Code of Civil Procedure (sections 1 and 3).	Ditto	See Notification No. 267—VII-281, dated 8th May, 1889, <i>supra</i> , p. 1218.
1908	V	Code of Civil Procedure.	Ditto.	No. 8—VII-346, dated the 1st January 1909.—In exercise of the powers conferred by section 5 of the Scheduled Districts Act, 1874, and with the previous sanction of the Governor General in Council, the Lieutenant-Governor of the United Provinces of Agra and Oudh is pleased to extend the Civil Procedure Code, 1908, excepting section 1 and sections 155 to 158 which already extend thereto, to the following scheduled districts in the United Provinces of Agra and Oudh:— (1) Pargana Jaunsar Bawar in the Dehra-Dun district. (2) The scheduled portion of the Mirzapur district. [See U. P. Gazette, 1909, Pt I, p. 4 and Gazette of India, 1909, Pt. I, p. 32.]

¹ So much of Act 12 of 1879 as amended the Code of Civil Procedure, 1877 (10 of 1877), was repealed by Act 14 of 1882.

² Rep. by Act 5 of 1908 which has been extended.

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